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United States Department of Agriculture,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

SERVICE AND REGULATORY ANNOUNCEMENTS. SUPPLEMENT.

N. J. 5251-5300.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 24, 1918.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

5251. Misbranding of cottonseed meal and cake and cottonseed meal or cake. U. S. * * * v. Cottonseed Products Co., a corporation (Roff Oil & Cotton Co.). Plea of guilty. Fine, \$95 and costs. (F. & D. No. 7659. I. S. Nos. 13004-1, 13005-1, 10069-1, 10071-1, 10076-1, 10078-1, 12314-1, 12315-1.)

On November 27, 1916, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Cottonseed Products Co., a corporation, doing business under the name of the Roff Oil & Cotton Co., Roff, Okla., alleging shipment from the State of Oklahoma by said company, in violation of the Food and Drugs Act, on or about March 2 and 3, 1916, into the State of Nebraska; on February 12, 14, and 19, 1916, into the State of Kansas; on February 14, 1916, and February 15, 1916 (2 shipments), into the State of Missouri, of quantities of cottonseed meal and cake, and cottonseed meal or cake, which were misbranded.

Analysis of a sample of the article from the shipments on March 2 and 3, 1916, into Nebraska, by the Bureau of Chemistry of this department showed respectively:

	No. 1.	No. 2.
Ether extract (per cent)-----	6.47	6.48
Protein (N x 6.25) (per cent)-----	36.9	34.5
Crude fiber (per cent)-----	12.6	13.9

The above results show that the product in each case contained less protein and more fiber than was stated on the label.

Analysis of a sample from the shipments of February 12 and 14, 1916, into Kansas and Missouri showed, respectively:

	No. 1.	No. 2.
Nitrogen (per cent) -----	5.65	5.23
Protein (N x 6.25) (per cent) -----	35.3	32.69
Ammonia (per cent) -----	6.87	6.35
Ether extract (per cent) -----	6.5	5.7
Crude fiber (per cent) -----	13.9	15.2

The above results show that the product in each case contains less ammonia, less protein, less nitrogen, less oil or fat, and more crude fiber than it was labeled to contain.

Analysis of a sample from the shipments of February 14 and 19, 1916, into Kansas, and of the shipments of February 15, 1916, into Missouri showed, respectively:

	No. 1.	No. 2.	No. 3.	No. 4.
Protein (N x 6.25) (per cent) -----	34.91	33.50	35.69	33.69
Ether extract (crude fat) (per cent) --	6.7	5.9	6.10	6.35
Crude fiber (per cent) -----	14.3	15.98	13.55	14.03

The above results show that the product in each case contains less protein and more crude fiber than it was labeled to contain.

Misbranding of the article in all of the shipments except that of February 12, 1916, into Kansas, and February 14, 1916, into Missouri, was alleged in the information for the reason that the statements regarding said article and the ingredients and substances contained therein appearing on the labels, to wit, "Guaranteed Analysis Crude Protein not less than 41 per cent * * * Crude Fibre not more than 9½ per cent" (or "Guaranteed Analysis Protein 41 to 43% * * * Fibre not more than 12%," as the case might be), were false and misleading in that they indicated to purchasers thereof that the said article contained not less than 41 per cent of crude protein and not more than 9½ per cent of crude fiber (or that it contained not less than 41 per cent of protein and not more than 12 per cent of fiber, as the case might be); and for the further reason that the article was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it contained not less than 41 per cent of crude protein, and not more than 9½ per cent of crude fiber (or not less than 41 per cent of crude protein and not more than 12 per cent of fiber), when, in truth and in fact, it contained less than 41 per cent of crude protein and more than 9½ per cent crude fiber (or less than 41 per cent of protein and more than 12 per cent of fiber).

Misbranding of the article in the shipments of February 12, 1916, into Kansas, and February 14, 1916, into Missouri, was alleged in substance in the information for the reason that the statement regarding the article and the ingredients and substances contained therein, appearing on the labels, to wit, "* * * Guaranteed Analysis Ammonia 8 to 8½ per cent, Protein 41 to 43 per cent, Nitrogen, 6 to 6½ per cent, Oil or Fat 7 to 9 per cent, Crude Fibre 8 to 12 per cent," was false and misleading in that it indicated to purchasers thereof and was such as to deceive and mislead purchasers into the belief that the said article contained not less than 8 per cent of ammonia, 41 per cent of protein, 6 per cent of nitrogen, 7 per cent of oil or fat, and not more than 12 per cent of crude fiber, when, in truth and in fact, it contained less than 8 per cent of ammonia, 41 per cent of protein, 6 per cent of nitrogen, and 7 per cent of oil or fat, and more than 12 per cent of crude fiber.

On January 2, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$95 and costs.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5252. Adulteration and misbranding of oats. U. S. * * * v. Callahan & Sons, a corporation. Plea of guilty. Fine, \$280. (F. & D. No. 7662. I. S. Nos. 3141-k, 3142-k, 11688-k, 11691-k, 11693-k, 14676-k, 14677-k, 14690-k, 14692-k, 14698-k, 15902-k, 15960-k, 15961-k, 16107-k.)

On February 15, 1917, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Callahan & Sons, a corporation, Louisville, Ky., alleging shipment by said company, in violation of the Food and Drugs Act, from the State of Kentucky on or about May 5, 1915 (2 shipments), into the State of West Virginia; on or about May 27, 1915, into the States of Virginia and Georgia; on or about May 31, 1915, into the State of North Carolina; on or about April 30, 1915, into the States of Alabama, Florida, Georgia, and Tennessee; on or about May 4, 1915, into the States of Georgia and Florida; on or about May 27, 1915, into the States of Florida and West Virginia; and on or about May 31, 1915, into the State of Georgia, of quantities of white oats which were adulterated and misbranded.

Analyses of samples of the article from the two shipments of May 5, 1915, by the Bureau of Chemistry of this department showed 18.3 per cent and 18.1 per cent of barley.

Adulteration of the article in these shipments was alleged in the information for the reason that a certain substance, to wit, barley, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for white oats, which the article purported to be.

Misbranding was alleged for the reason that the statement regarding the article and the ingredients and substances contained therein, appearing on its label, to wit, "White Oats Special," was false and misleading in that it indicated to purchasers thereof that said article consisted of white oats; and for the further reason that it was labeled as aforesaid, so as to deceive and mislead purchasers into the belief that it consisted of white oats, when, in truth and in fact, it did not, but consisted of a mixture of oats and barley.

Analyses of samples of the article from the shipments of May 27, 1915, into Virginia and May 31, 1915, into North Carolina, by the said Bureau of Chemistry, showed 12.5 per cent and 18.6 per cent of barley, and that they were heavily bleached with sulphur dioxide in each case.

Adulteration of the article in these shipments was alleged for the reason that a certain substance, to wit, barley, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for white oats, which the article purported to be; and for the further reason that a certain substance, to wit, bleached oats, had been substituted in part for white oats, which the article purported to be.

Misbranding was alleged for the reason that the statement regarding the article and the ingredients and substance contained therein, appearing on its label, to wit, "Dixie White Oats Special" (or "White Oats," as the case might be), was false and misleading in that it indicated to purchasers thereof that said article consisted of white oats; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchasers into the belief that it consisted of white oats, when, in truth and in fact, it did not, but consisted of, to wit, a mixture of bleached oats and barley.

Analyses of samples of the article from the shipments of April 30, 1915, to the States of Alabama, Florida, Georgia, and Tennessee, by the said Bureau of Chemistry, showed, respectively, 16.5 per cent, 14.5 per cent, 14.4 per cent, and 14.4 per cent of moisture.

Adulteration of the article in these shipments was alleged for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for white oats, which the article purported to be.

Misbranding was alleged for the reason that the statement, regarding the article and the ingredients and substances contained therein, appearing on its label, to wit, "Callahan's Electric Oats Choice 2 White," was false and misleading in that it indicated to purchasers thereof that said article consisted of white oats; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it consisted of white oats, when, in truth and in fact, it did not, but consisted of, to wit, a mixture of oats and water.

Analyses of samples of the article from the shipments of May 4, 1915, to the States of Georgia and Florida, and of May 27, 1915, to the State of Georgia, by the said Bureau of Chemistry showed 17.7 per cent and 28.1 per cent of feed barley in the first 2 shipments, and 20.3 per cent of barley and 15.3 per cent of moisture in the last shipment, and the article in this shipment was also heavily bleached with sulphur dioxide.

Adulteration of the article in these shipments was alleged for the reason that a substance, to wit, feed barley (or substances, to wit, water and barley), had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for white oats, which the article purported to be; and for the further reason, in the case of the shipment of May 27, 1915, to Georgia, that a certain substance, to wit, bleached oats, had been substituted in whole or in part for white oats, which the article purported to be.

Misbranding was alleged for the reason that the statement regarding the article and the ingredients and substances contained therein, appearing on its label, to wit, "Georgia (or "Florida") "White Oats Special," was false and misleading in that it indicated to purchasers thereof that said article consisted of white oats, and that it had been produced in the State of Georgia (or Florida); and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchasers into the belief that it consisted of white oats, and that it had been produced in the State of Georgia (or Florida), when, in truth and in fact, it did not so consist, but consisted of a mixture of oats and feed barley (or, in the case of the shipment of May 27, 1915, to Georgia, of water, barley, and bleached oats), and had not been produced in the State of Georgia (or Florida).

Analyses of samples of the articles from the shipments of May 27, 1915, to Florida and West Virginia and May 31, 1915, to Georgia, by the said Bureau of Chemistry showed 15.1 per cent, 14.5 per cent, and 13.1 per cent of moisture, that they were bleached with sulphur dioxide, and in the case of the shipment to Georgia they also contained 20.1 per cent of barley screenings.

Adulteration of the article in all these shipments was alleged for the reason that a certain substance, to wit, water (or certain substances, to wit, water and barley), had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for

white oats, which the article purported to be; and for the further reason that a certain substance, to wit, bleached oats, had been substituted in whole or in part for white oats, which the article purported to be.

Misbranding was alleged for the reason that the statement regarding the article and the ingredients and substances contained therein, appearing on its label, to wit, "Callahan's A Brand Fancy Clipped White Oats" (or "Callahan's Electric Oats Choice 2 White" or "Georgia White Oats Special"), was false and misleading in that it indicated to purchasers thereof that said article consisted of white oats, and in the case of the shipment to Georgia, that the article had been produced in the State of Georgia; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchasers into the belief that it consisted of white oats, and in the case of the shipment to Georgia, that the article had been produced in the State of Georgia, when, in truth and in fact, it did not so consist, but consisted of, to wit, a mixture of bleached oats and water, in the case of the shipments to Florida and West Virginia, and a mixture of water, barley, and bleached oats, in the case of the shipment to Georgia, and further, in the case of the shipment to Georgia, had not been produced in the State of Georgia.

On February 20, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$280.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5253. Adulteration of eggs. U. S. * * * v. 59 Cases * * * of Eggs. Decree of condemnation and forfeiture. Good portion released on bond. Unfit portion destroyed. (F. & D. No. 7663. I. S. No. 10607-m. S. No. C-564.)

On August 24, 1916, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 59 cases, each containing 30 dozen eggs, remaining unsold in the original unbroken packages at Sioux City, Iowa, alleging that the article had been shipped on or about August 10, 1916, by R. E. Cobb, St. Paul, Minn., and transported from the State of Minnesota into the State of Iowa, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid substance and product.

On October 24, 1916, the R. E. Cobb Co., a corporation, St. Paul, Minn., claimant, having entered its appearance and claim, judgment of condemnation and forfeiture was entered, and it was ordered by the court that, if said claimant should pay the costs of the proceedings and execute a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that said eggs should be candled under the supervision of an inspector of the Department of Agriculture, the good portion should be released to said claimant and the unfit portion destroyed.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5254. Adulteration of oysters. U. S. * * * v. Waterman E. Field and Waterman E. Field, jr. (Bayside Oyster Co.). Pleas of nolo contendere. Fine, \$20. (F. & D. No. 7664. I. S. Nos. 2436-1, 3727-1.)

On January 24, 1917, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Waterman E. Field and Waterman E. Field, jr., doing business as the Bayside Oyster Co., Longmeadow, R. I., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about December 6, 1915, and February 24, 1916, from the State of Rhode Island into the State of Massachusetts, of quantities of oysters which were adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed, respectively, the following results:

	No. 1.	No. 2.
Liquor (per cent)-----	12. 10	7. 79
Meat (per cent)-----	87. 90	92. 21
Sodium chlorid in liquor (per cent)-----	0. 44	0. 29
Total solids in meat (per cent)-----	14. 55	14. 19
Ash in meat (per cent)-----	0. 90	0. 77
Sodium chlorid in meat (per cent)-----	0. 12	0. 09
Loss on boiling (per cent)-----	55. 2	50. 8

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for oysters, which the article purported to be.

On January 29, 1917, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$20.

R. A. PEARSON, *Acting Secretary of Agriculture*

5255. Adulteration and misbranding of apple cider. U. S. * * * v. John F. Morehead and Frederick W. Morehead (Los Angeles Fruit Products Co.). Pleas of guilty. Fine, \$20. (F. & D. No. 7665. I. S. No. 2368-1.)

On November 21, 1916, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John F. Morehead and Frederick W. Morehead, trading as the Los Angeles Fruit Products Co., St. Louis, Mo., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about December 8, 1915, from the State of Missouri into the State of Georgia, of a quantity of apple cider which was adulterated and misbranded. The article was labeled in part: "Mission Brand Apple Cider. Fortified with Sugar, Tartaric Acid added, Non-intoxicating * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)-----	4.64
Solids (grams per 100 cc)-----	13.15
Nonsugar solids (grams per 100 cc)-----	1.60
Sucrose by copper (grams per 100 cc)-----	10.31
Reducing sugar as invert before inversion-----	1.24
Ash (gram per 100 cc)-----	0.15
Fixed acid, as tartaric (gram per 100 cc)-----	0.23
Total tartaric acid (gram per 100 cc)-----	0.17

This product consists essentially of an apple cider to which water, sugar, and tartaric acid have been added.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for apple cider, which the article purported to be.

Misbranding was alleged for the reason that the following statements regarding the article and the ingredients and substances contained therein appearing on its label, to wit, "Apple Cider. Fortified with Sugar, Tartaric Acid added," were false and misleading in that they indicated to purchasers thereof that the said article was apple cider which had been fortified with sugar, and to which tartaric acid had been added; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchasers into the belief that it was apple cider which had been fortified with sugar and to which tartaric acid had been added, when, in truth and in fact, it was not, but was, to wit, apple cider, which had been diluted with water and to which sugar and tartaric acid had been added. Misbranding was alleged for the further reason that the statement regarding the article and the ingredients and substances contained therein, appearing on its label, to wit, "Non-intoxicating," was false and misleading in that it indicated to purchasers thereof that the said article would not cause intoxication; and for the further reason that the article was labeled as aforesaid, so as to deceive and mislead purchasers into the belief that it would not cause intoxication, when, in truth and in fact, the said article might cause intoxication, as it consisted of, to wit, a fermented product containing approximately 4.64 per cent of alcohol by volume.

On December 11, 1916, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$20.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5256. Adulteration of oysters. U. S. * * * v. Loucitty Havens, William D. Havens, and Charles E. Havens (L. & W. D. Havens). Pleas of nolo contendere. Fine, \$30. (F. & D. No. 7669. I. S. Nos. 2434-1, 2435-1.)

On January 24, 1917, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Loucitty Havens, William D. Havens, and Charles E. Havens, trading as L. & W. D. Havens, Longmeadow, R. I., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about February 24, 1916, from the State of Rhode Island into the State of Massachusetts, of quantities of oysters which were adulterated.

Analyses of samples of the article from each of the 2 shipments by the Bureau of Chemistry of this department showed the following results:

	No. 1.	No. 2.
Liquor (per cent)-----	10.02	9.75
Meat (per cent)-----	89.98	90.25
Sodium chlorid in liquor (per cent)-----	0.18	0.27
Total solids in meat (per cent)-----	13.92	13.88
Ash in meat (per cent)-----	0.74	0.82
Sodium chlorid in meat (per cent)-----	0.03	0.14
Loss on boiling (per cent)-----	55.0	55.6

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in whole or in part for oysters, which the article purported to be.

On January 29, 1917, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$30.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5257. Adulteration and misbranding of pepper. U. S. * * * v. Newton Tea & Spice Co., a corporation. Plea of guilty. Fine, \$600. (F. & D. No. 7670. I. S. Nos. 3795-k, 4613-k, 4644-k, 14436-k, 15303-k, 15809-k.)

On December 20, 1916, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Newton Tea & Spice Co., a corporation, 18 East Second Street, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 1, 1915, March 19, 1915, May 17, 1915, April 9, 1915, May 11, 1915, and May 21, 1915, from the State of Ohio into the States of South Carolina, West Virginia, Pennsylvania, Kentucky (2 shipments), and Mississippi, respectively, of quantities of pepper which were adulterated and misbranded.

Analyses of samples of the article in each shipment by the Bureau of Chemistry of this department showed that it consisted of a mixture of pepper and pepper shells.

Adulteration of the article in all of the shipments was alleged in the information for the reason that a certain substance, to wit, pepper shells, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for pure ground pepper (or pure pepper), which the article purported to be.

It was charged in substance in the information that the article in each shipment was misbranded for the reason that certain statements, regarding it and the ingredients and substances contained therein, appearing on its labels, were false and misleading in that they indicated to purchasers thereof that the article consisted of pure ground pepper (or pure pepper); and for the further reason that the article was labeled so as to deceive and mislead purchasers into the belief that it consisted of pure ground [pepper] (or pure pepper), when, in truth and in fact, it did not, but consisted of, to wit, ground pepper (or pepper) and added pepper shells. Misbranding was alleged for the further reason that the article consisted of a mixture of ground pepper (or pepper) and added pepper shells, and was an imitation of and was offered for sale under the distinctive name of another article, to wit, pure ground pepper (or pure pepper).

On March 5, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$600.

R. A. PEARSON, Acting Secretary of Agriculture.

5258. Misbranding of cottonseed meal. U. S. * * * v. The Farmers Oil & Fertilizer Co., a corporation. Plea of nolo contendere. Fine, \$59 and costs. (F. & D. No. 7673. I. S. No. 19862-1.)

On October 25, 1916, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Farmers Oil & Fertilizer Co., a corporation, doing business at Texarkana, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 26, 1916, from the State of Texas into the State of Iowa, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Bull Brand Cottonseed Meal * * * Analysis Protein 41 to 43% Fat 6 to 8% Crude Fibre 8 to 10% Carbohydrates 26 to 28% * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Protein (per cent)----- 38.87

Above analysis shows the product to contain less than 41 per cent protein.

Misbranding of the article was alleged in the information for the reason that the statement regarding it and the ingredients and substances contained therein appearing on its label, to wit, "Analysis Protein 41 to 43%," was false and misleading in that it indicated to purchasers thereof that it contained not less than 41 per cent of protein; and for the further reason that the article was labeled as aforesaid, so as to deceive and mislead the purchasers into the belief that it contained not less than 41 per cent of protein, when, in truth and in fact, it contained less than 41 per cent of protein, to wit, 38.87 per cent thereof.

On November 14, 1916, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$50 and costs.

R. A. PEARSON, Acting Secretary of Agriculture.

5259. Misbranding of "Canary Brand Cotton Seed Meal." U. S. * * * v. Huntsville Warehouse Co., a corporation. Plea of guilty. Fine, \$100. (F. & D. No. 7674. I. S. No. 12546-1.)

On October 26, 1916, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Huntsville Warehouse Co., a corporation, Huntsville, Ala., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 19, 1915, from the State of Alabama into the State of Ohio, of a quantity of an article labeled in part, "Canary Brand Cotton Seed Meal," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Crude fiber (per cent)	11.5
Protein (N x 6.25) (per cent)	37.5
Low in protein; high in fiber.	

Misbranding of the article was alleged in the information for the reason that the following statements regarding it and the ingredients and substances contained therein, appearing on the label, to wit, "High Grade Cotton Seed Meal 41 to 45% protein Guaranteed Analysis * * * Protein 41% * * * Fiber, maximum 10%. These are minimum guarantees frequently run higher." were false and misleading in that they indicated to purchasers thereof that it contained not less than 41 per cent of protein and not more than 10 per cent of fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it contained not less than 41 per cent of protein and not more than 10 per cent of fiber, when, in truth and in fact, it contained less than 41 per cent of protein and more than 10 per cent of fiber, to wit, 37.5 per cent of protein and 11.5 per cent of fiber.

On April 3, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5260. Adulteration and misbranding of "Elixir of Phosphate of Iron, Quinine, and Strychnine." U. S. * * * v. Thomas E. Ogram (Ogram's Drug and Gift Store). Plea of guilty. Fine, \$100. (F. & D. No. 7675. I. S. Nos. 4749-1, 4760-1.)

On September 30, 1916, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of said District an information against Thomas E. Ogram, trading as Ogram's Drug and Gift Store, Washington, D. C., alleging the sale by said defendant at the District aforesaid, in violation of the Food and Drugs Act, on April 8, 1916, and May 1, 1916, of a quantity of an article labeled in part: "Elixir of Phosphate of Iron, Quinine and Strychnine * * * T. E. Ogram, Pharmacist, 13th Street and Pennsylvania Avenue, Washington D. C.," which was adulterated and misbranded.

Analyses of samples of the article from each sale, by the Bureau of Chemistry of this department, showed the following results:

	No.1.	No. 2.
Alcohol (per cent by volume)-----	30.4	24.8
Quinine (grams per 1000 cc) not more than-----	4	4.3
Calculated as quinine phosphate (grain per dessertspoonful) not more than-----	0.56	0.6

Adulteration of the article in each sale was alleged in the information for the reason that it was sold as and for "Elixir of Phosphate of Iron, Quinine and Strychnine," containing 43 per cent of alcohol, and each dessertspoonful thereof containing 2 grains of phosphate of iron, 1 grain of phosphate of quinia, and one sixty-fourth grain of phosphate of strychnia, and its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding was alleged for the reason that the following statement regarding the article and the ingredients and substances contained therein, appearing on its label, to wit, "* * * Alcohol 43%. Each dessertspoonful contains two grains. Phosphate of Iron, one grain of Phosphate of Quinia and one sixty-fourth grain of Phosphate of Strychnia * * *," was false and misleading, in that it indicated to purchasers thereof that said article contained 43 per cent of alcohol, and each dessertspoonful thereof contained two grains of phosphate of iron, one grain of phosphate of quinia, and one sixty-fourth grain of phosphate of strychnia, when, in truth and in fact, it did not.

On September 30, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

R. A. PEARSON, Acting Secretary of Agriculture.

5261. Adulteration of oysters. U. S. * * * v. F. Mansfield & Sons Co., a corporation. Plea of guilty. Fine, \$25. (F. & D. No. 7677. I. S. Nos. 2855-1, 3744-1, 3751-1, 3834-1.)

On December 5, 1916, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the F. Mansfield & Sons Co., a corporation, New Haven, Conn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 10, 1916, from the State of Connecticut into the State of New York, and on or about December 20, 1915, January 6, 1916, and March 2, 1916, from the State of Connecticut into the State of Massachusetts, of quantities of oysters which were adulterated.

Analysis of a sample of the article in each shipment by the Bureau of Chemistry of this department showed the presence of added water.

Adulteration of the article in each shipment was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in whole or in part for oysters, which the article purported to be.

On December 12, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5262. Misbranding of "Nutritia Dairy Feed." U. S. * * * v. Ferger Grain Co., a corporation. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 7678. I. S. No. 19904-L.)

On October 25, 1916, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ferger Grain Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 11, 1916, from the State of Ohio into the State of Kentucky, of a quantity of "Nutritia Dairy Feed" which was misbranded. The article was labeled in part: " * * * Nutritia Dairy Feed, made by The Ferger Grain Co. Cincinnati, Ohio. Guaranteed analysis. Protein 24.00 Per Cent. Fat 9.00 Per Cent. Fibre 9.00 Per Cent. * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Ether extract (per cent)-----	5.10
Crude fiber (per cent)-----	10.45
Protein (N x 6.25) (per cent)-----	20.00

Low in protein; low in fat; high in fiber.

Misbranding of the article was alleged in the information for the reason that the statement regarding it and the ingredients and substances contained therein, appearing on its label, to wit, " * * * Guaranteed Analysis. Protein 24.00 Per Cent. Fat 9.00 Per Cent. Fiber 9.00 Per Cent," was false and misleading in that it indicated to purchasers thereof that it contained not less than 24 per cent of protein, not less than 9 per cent of fat, and not more than 9 per cent of fiber; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it contained not less than 24 per cent of protein, and not less than 9 per cent of fat, and not more than 9 per cent of fiber, when, in truth and in fact, it contained less than 24 per cent of protein, and less than 9 per cent of fat, and more than 9 per cent of fiber, to wit, 20 per cent of protein, 5.10 per cent of fat, and 10.45 per cent of fiber.

On December 12, 1916, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$25 and costs.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5263. Adulteration and misbranding of vinegar. U. S. * * * v. 50 Barrels of Vinegar. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 7680. I. S. No. 1902-m. S. No. E-685.)

On August 30, 1916, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 barrels of vinegar, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped on or about August 15, 1916, by the Brocton Fruit Products Co., Brocton, N. Y., and transported from the State of New York into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Brocton Fruit Products Co. * * * Apple Cider Vinegar 60 gr. Brocton, N. Y."

Adulteration of the article was alleged in the libel for the reason that the contents of said 50 barrels was not apple cider vinegar, but contained added distilled vinegar, dilute acetic acid, and mineral matter, which had been substituted in part for said article, and had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength.

It was further alleged that the labeling and branding of the article was false and misleading and that the article was labeled and branded so as to deceive and mislead purchasers thereof, the contents of said barrels not being "Apple Cider Vinegar," as the same were labeled and branded. Misbranding was alleged for the further reason that said article was an imitation of and offered for sale as apple cider vinegar, whereas, in truth and in fact, it was not.

On September 21, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be labeled so as to show its true contents, and be sold by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5264. Adulteration of eggs. U. S. * * * v. 79 Cases of Eggs in Shell. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7681. I. S. No. 1710-m. S. No. E-682.)

On August 15, 1916, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 79 cases of eggs in shell, consigned by the Griffis Produce Co., Delphos, Ohio, and remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about August 8, 1916, and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of filthy, decomposed, and putrid animal matter.

On September 1, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5265. Adulteration of eggs. U. S. * * * v. 25 Cases of Eggs in Shell. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7682. I. S. No. 1711-m. S. No. E-683.)

On August 17, 1916, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases of eggs in shell, consigned by the Shelburn Poultry & Egg Co., Shelburn, Ind., and remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about August 12, 1916, and transported from the State of Indiana into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of filthy, decomposed, and putrid animal matter.

On September 1, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, Acting Secretary of Agriculture.

5266. Misbranding of "Hamer's Remedy Compound." U. S. * * * v. Hamer's Sure Cure Co., a corporation. Tried to the court. Found guilty. Fine, \$150 and costs. (F. & D. No. 7684. I. S. No. 14031-k.)

On October 30, 1916, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hamer's Sure Cure Co., a corporation, doing business at Vermont, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about December 24, 1914, from the State of Illinois into the State of Missouri, of a quantity of an article labeled in part, "Hamer's Remedy Compound," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the article was composed essentially of alcohol, volatile oils, principally turpentine, dark mineral oil, together with mercuric chlorid and iodine compound.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on its labels falsely and fraudulently represented it as a guaranteed cure, when used according to directions, for spavin, sweeney, ringbone, distemper, thoroughpin, side bone, splints, swellings of all kinds, lump jaw, fistula, and poll evil, and effective for removing lumps of all kinds on either horses or cattle when used according to directions, when, in truth and in fact, it was not, when used according to directions or when used in any other manner.

On April 18, 1917, the case having come on for trial, and having been submitted to the court without a jury, the defendant was found guilty, and the court imposed a fine of \$150 and costs.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5267. Adulteration of eggs. U. S. * * * v. 15 Cases of Shell Eggs et al. Consent decrees of condemnation and forfeiture. Unfit portion ordered destroyed; good portion ordered released on bond. (F. & D. No. 7687. I. S. Nos. 21416-m, 21417-m, 21418-m, 21419-m, 21420-m, 21421-m, 21422-m. S. Nos. W-111, W-112, W-113, W-114, W-115, W-116, W-117.)

On August 15 and 16, 1916, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 15 cases, 8 cases, 15 cases, 11 cases, 13 cases, 21 cases, and 6 cases of shell eggs, the 13 cases having been consigned by E. A. Miller, Nekoma, Kans., and the other shipments by Percy Crumbein from Bazine, Rush Center, Ness City, and Alexander, Kans., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about August 5 and 7, 1916, and transported from the State of Kansas into the State Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article in each shipment was alleged in the libels for the reason that it consisted in part of filthy, putrid, and decomposed matter.

On September 23, 1916, Smith & Ellis, a partnership, consisting of Walter D. Smith and Roy C. Ellis, Denver, Colo., claimants, having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the portion of the eggs found unfit for food be destroyed and the portion found to be fit for food be released to said claimant upon the execution of a good and sufficient bond, in conformity with section 10 of the act.

R. A. PEARSON, Acting Secretary of Agriculture.

5268. Adulteration of shell eggs. U. S. * * * v. 7 Cases of Shell Eggs (and Other Cases of Shell Eggs). Consent decrees of condemnation and forfeiture. Unfit portion ordered destroyed; good portion ordered released on bond. (F. & D. No. 7688. I. S. Nos. 21429-m, 21430-m, 21436-m, 21431-m, 21434-m, 21435-m, 21437-m, 21428-m. S. Nos. W-118, W-119, W-120, W-121, W-122, W-123, W-126.)

On August 18, 1916, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 7 cases of shell eggs, consigned by Julius Phillips, Keystone, Kans.; 9 cases consigned by Rains Bros., Garfield, Kans.; 6 cases consigned by Knakal & Jedlicka, Wilson, Kans.; 17 cases consigned by J. L. Gordon, Norton, Kans.; 17 cases consigned by the Farmers' Cooperative Mercantile & Shipping Assoc., Woodruff, Kans.; 5 cases consigned by T. H. Stein, Windhorst, Kans.; and 13 cases consigned by Wells Bros., Page, Kans., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about August 9, 1916, August 10, 1916, August 8, 1916, August 11, 1916, and August 12, 1916, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article in each shipment was alleged in the libels for the reason that it consisted in part of filthy, putrid, and decomposed matter.

On September 23, 1916, the Rhodes Ranch Egg Co., a corporation, Denver, Colo., claimant, having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the portion of eggs found to be unfit for food be destroyed, and the portion found to be fit for food be released to said claimant upon the filing of a good and sufficient bond, in conformity with section 10 of the act.

R. A. PEARSON, Acting Secretary of Agriculture.

5269. Misbranding of "Payne's Sylax." U. S. * * * v. Edward C. Seyler. (German Medicine Co.) Plea of guilty. Fine, \$25 and costs. (F. & D. No. 7689. I. S. No. 2335-1.)

On November 25, 1916, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edward C. Seyler, trading as the German Medicine Co., Cincinnati, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about September 16, 1915, from the State of Ohio into the State of Georgia, of a quantity of an article labeled in part, "Payne's Sylax," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of emodin, plant extractive matter, magnesium sulphate, sugar, alcohol, and water, with a white powder at the bottom of the bottle, consisting principally of calcium sulphate.

It was charged in substance in the information that the article was misbranded for the reason that certain statements appearing on its label falsely and fraudulently represented it as a remedy for diseases of the mucous membranes, catarrhal affections, indigestion, dyspepsia, catarrh, and diseases of the blood, stomach, liver, and kidneys, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that certain statements included in the circular or pamphlet accompanying the article falsely and fraudulently represented it as a remedy for rheumatism, catarrh, indigestion, dyspepsia, all forms of stomach, liver, kidney, and bladder troubles, and blood impurities, catarrh of the head, throat, stomach, liver, bowels, kidneys, and bladder, neuralgia, impure blood, scrofula, skin eruptions, pimples and chronic sores, female troubles, prolapsus uteri or falling of the womb, and leucorrhea, when, in truth and in fact, it was not.

On February 24, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5270. Misbranding of "Great Magic Condition Powders." U. S. * * * v. Samuel Sutton. Plea of guilty. Fine, \$25. (F. & D. No. 7690. I. S. No. 4507-1.)

On January 31, 1916, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Samuel Sutton, Baltimore, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about March 13, 1916, from the State of Maryland into the State of Pennsylvania, of a quantity of an article labeled in part, "Great Magic Condition Powders." which was misbranded

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the powders consisted essentially of potassium nitrate, calcium carbonate, sulphur, rosin, fenugreek, ginger, capsicum, charcoal, and gentian.

It was charged in substance in the information that the article was misbranded for the reason that certain statements included in the circular or pamphlet accompanying the article falsely and fraudulently represented it as effective for reducing fevers associated with shipping colds, as a remedy for blood poison, distemper, pinkeye, coughs, colds, sore throat, bronchitis, epizootic influenza, itching, rheumatism, founder, inflammation of the kidneys, bladder, and bowels, and congested lungs, as a relief for colic, and in the treatment of azoturia, when, in truth and in fact, it was not.

On January 31, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. A. PEARSON, Acting Secretary of Agriculture.

5271. Misbranding of "Dr. Bell's Pine Tar Honey." U. S. * * * v. E. E. Sutherland Medicine Co., a corporation. Plea of guilty. Fine, \$100. (F. & D. No. 7691. I. S. Nos. 3305-1, 3322-1.)

On December 19, 1916, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the E. E. Sutherland Medicine Co., a corporation, doing business at Philadelphia, Pa., alleging the sale by said company, on or about June 29, 1914, in violation of the Food and Drugs Act, as amended, under a guaranty that the article was not misbranded within the meaning of the Food and Drugs Act, of a quantity of an article labeled in part, "Dr. Bell's Pine Tar Honey," which was a misbranded article within the meaning of the said act, as amended, and which said article, in the identical condition in which it was received, was shipped by the purchaser thereof, on or about May 12, 1915, and July 14, 1915, from the State of Pennsylvania into the State of New York, in further violation of the said act as amended.

Analyses of samples of the article by the Bureau of Chemistry of this department showed it to be a hydroalcoholic solution containing ammonia, glycerin, pine tar, sassafras, capsicum, reducing sugars, an emodin bearing drug, and alkaloids.

It was charged, in substance, in the information that the article in the first shipment was misbranded for the reason that certain statements on the labels of its box and carton falsely and fraudulently represented it as a cure for croup, whooping cough, all soreness of the throat, chest, and lungs, and incipient consumption, and effective for the relief of all coughs and allaying inflammation of the throat, chest, lungs, and bronchial tubes, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that certain statements included in the booklet accompanying the article falsely and fraudulently represented it as a cure of inflammation of the walls of the lungs, effective for reanimating the diseased lungs, spent and wounded by the cough, in restoring the normal activity in the interior linings of the stomach and in the mucous membranes of the nose, throat, bronchial tubes, and lungs, for destroying microbes and contagious diseases, restoring the lungs, strengthening the respiratory organs and giving vigor and vitality to the whole system, for making the blood receive a sufficient amount of oxygen, strengthening the blood and protecting the lungs against contagious diseases, as a remedy for and preventive of consumption, effective for giving permanent health to all the mucous membranes of the human body, for cicatrizing and cutting off the flow of pus and mucus, for curing the putrefaction and the poison of the microbes, killing and destroying infectious germs, for curing all inflammation and cicatrizing all infectious wounds, as a cure and preventive of catarrh, whooping cough, and grippe, for enriching the blood and creating good flesh, as a remedy for sore throat, as a cure and preventive of pneumonia, for preventing colds, for curing grippe, influenza, colds, and catarrh, as a specific for asthma and bronchitis, and as a remedy for diphtheria, when, in truth and in fact, it was not.

It was further charged, in substance, that the article in the second shipment was misbranded for the reason that certain statements appearing on the label of the carton falsely and fraudulently represented it as a cure for croup, whooping cough, all soreness of the throat, chest, and lungs, grippe, asthma, and incipient consumption, and effective for the relief of all coughs

and for allaying inflammation of the throat, chest, lungs, and bronchial tubes, when, in truth and in fact, it was not. Misbranding of the article in both shipments was alleged in substance for the further reason that it failed to bear a statement on the label of the wholesale box and the retail carton (or the label of the carton, as the case might be) of the quantity or proportion of alcohol contained therein.

On March 13, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5272. Adulteration of shell eggs. U. S. * * * v. 45 Cases of Shell Eggs and U. S. * * * v. 15 Cases of Shell Eggs. Consent decrees of condemnation and forfeiture. Unfit portion ordered destroyed; good portion ordered released on bond. (F. & D. No. 7692. I. S. Nos. 21412-m, 21413-m. S. Nos. W-107, W-108.)

On August 15, 1916, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 45 cases of shell eggs, consigned by E. O. Kyner, Eustis, Nebr., and 15 cases of shell eggs, consigned by E. Ceder & Co., Farnam, Nebr., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about August 3, 1916, and transported from the State of Nebraska into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article in each shipment was alleged in the libels for the reason that it consisted in part of filthy, putrid, and decomposed matter.

On September 23, 1916, the Boulder Creamery Co., a corporation, Denver, Colo., claimant, having admitted the allegations of the libel, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the portion of the eggs found to be unfit for food be destroyed and the portion found to be fit for food be released to said claimant upon the filing of a good and sufficient bond, in conformity with section 10 of the act.

R. A. PEARSON, Acting Secretary of Agriculture.

5273. Adulteration of shell eggs. U. S. * * * v. 5 Cases of Shell Eggs. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7693. I. S. No. 21414-m. S. No. W-109.)

On August 15, 1916, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases of shell eggs, consigned by Hein Bros., Culbertson, Nebr., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about July 31, 1916, and transported from the State of Nebraska into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of filthy, putrid, and decomposed matter.

On September 23, 1916, the Proudfit-Ormsby Commission Co., a corporation, Denver, Colo., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portion of eggs found to be unfit for food be destroyed and the portion found fit for food be released to said claimant, upon the filing of a good and sufficient bond, in conformity with section 10 of the act.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5274. Adulteration of shell eggs. U. S. * * * v. 4 Cases of Shell Eggs. Consent decree of condemnation and forfeiture. Unfit portion ordered destroyed. Fit portion ordered released on bond. (F. & D. No. 7694. I. S. No. 21415-m. S. No. W-110.)

On August 16, 1916, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases of shell eggs, consigned by F. C. Herdman & Co., Walker, Kans., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about August 9, 1916, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of filthy, putrid, and decomposed matter.

On September 23, 1916, F. W. Blankenbugler, Denver, Colo., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portion found to be unfit for food be destroyed and the portion found to be fit for food be released to said claimant, upon the filing of a good and sufficient bond, in conformity with section 10 of the act.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5275. Adulteration of shell eggs. U. S. * * * v. 7 Cases of Shell Eggs. Consent decree of condemnation and forfeiture. Unfit portion ordered destroyed. Fit portion ordered sold. (F. & D. No. 7695. I. S. No. 21446-m. S. No. W-125.)

On August 19, 1916, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cases of shell eggs, consigned by G. E. Scherer & Co., Hill City, Kans., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about August 9, 1916, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of filthy, putrid, and decomposed matter.

On September 23, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portion of the product found fit for food should be sold at public auction and the portion found unfit should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5276. Adulteration of evaporated milk. U. S. * * * v. 15 Cases of Evaporated Milk. Consent decree of condemnation and forfeiture. Unfit portion ordered destroyed. Good portion ordered released on bond. (F. & D. No. 7697. I. S. No. 21118-m. S. No. W-141.)

On September 12, 1916, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases of evaporated milk, consigned by John H. Spohn Co., San Francisco, Cal., remaining unsold in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about September 9, 1916, and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of filthy, decomposed, and putrid animal substances, and was unfit for consumption or use.

On October 24, 1916, the Carnation Milk Products Co., Seattle, Wash., claimants, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portion of the milk that had been found to be unfit for food should be destroyed, and the portion found fit for food should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond, in conformity with section 10 of the act.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5277. Adulteration and misbranding of pepper. U. S. * * * v. The Hudson & Gram Co., a corporation. Plea of guilty. Fine, \$20.
(F. & D. No. 7700. I. S. No. 20911-1.)

On November 22, 1916, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hudson & Gram Co., a corporation, Portland, Oreg., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 23, 1915, from the State of Oregon into the State of Washington, of a quantity of pepper which was adulterated and misbranded. The article was labeled in part: "H. & G. Brand Pepper * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Ash (per cent)-----	20.41
Acid-insoluble ash (per cent)-----	13.51
Crude fiber (per cent)-----	17.27

The above analysis shows that the sample contained sand and added pepper shells.

Adulteration of the article was alleged in the information for the reason that substances, to wit, sand and added pepper shells, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for pepper, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Pepper * * * Highest Grade," borne on the label of the article regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was highest grade pepper; and for the further reason that the article was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it was a pepper of the highest grade, whereas, in truth and in fact, it was not, but was a mixture consisting of pepper, sand, and added pepper shells.

On December 1, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$20.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5278. Adulteration of tomatoes. U. S. * * * v. 111 Cases of Canned Tomatoes * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7701. S. No. E-686.)

On September 14, 1916, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 111 cases of canned tomatoes, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Arbuckles Co., Pittsburgh, Pa., and transported from the State of Pennsylvania into the State of Maryland, the shipment having been received on or about June 28, 1916, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "J. C. W. Brand tomatoes * * * J. Cleveland White & Co., Salisbury, Md."

It was charged in substance in the libel that the article was adulterated for the reason that it consisted in part of a decomposed vegetable substance.

On November 16, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5279. Misbranding of cottonseed meal or cake. U. S. * * * v. Tecumseh Oil & Cotton Co., a corporation. Plea of guilty. Fine, \$50.
(F. & D. No. 7703. I. S. No. 10888-1.)

On November 13, 1916, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tecumseh Oil & Cotton Co., a corporation, doing business at Tecumseh, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 15, 1915, from the State of Oklahoma into the State of Illinois, of a quantity of cottonseed meal or cake which was misbranded. The article was labeled in part: “* * * Silo Brand Cotton Seed Meal or Cake * * *.”

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Total ammonia (per cent)-----	6.64
Protein (N×6.25) (per cent)-----	34.1

The product contains less ammonia and protein than are declared on the label.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, “Guaranteed Analysis Ammonia 8 to 8½% Protein 41 to 43%,” borne on the tags attached to the sacks, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that said article contained not less than 8 per cent of ammonia and not less than 41 per cent of protein; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 8 per cent of ammonia and not less than 41 per cent of protein, whereas, in truth and in fact, it contained less than 8 per cent of ammonia and less than 41 per cent of protein, to wit, approximately 6.64 per cent of ammonia and approximately 34.1 per cent of protein.

On January 30, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5280. Misbranding of "Lung Germine." U. S. * * * v. The Lung Germine Co., a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 7704. I. S. Nos. 12246-k, 12526-l.)

On December 2, 1916, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lung Germine Co., a corporation, Jackson, Mich., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 17, 1914, and November 30, 1915, from the State of Michigan into the States of Indiana and Ohio, of quantities of an article labeled in part, "Lung Germine," which was misbranded.

Analysis of a sample of the article from each shipment by the Bureau of Chemistry of this department showed that the preparation was a hydroalcoholic solution containing free sulphuric acid and iron sulphate, and no alkaloids, arsenic, or halogens.

It was charged in substance in the information that the article in each shipment was misbranded for the reason that the statements appearing on the label falsely and fraudulently represented it as a treatment for diseases of the lungs and bronchial tubes, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the statements included in the circular accompanying the article falsely and fraudulently represented it as a treatment for lung and bronchial diseases in incipient stages, when, in truth and in fact, it was not.

On December 11, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

R. A. PEARSON, Acting Secretary of Agriculture.

5281. Misbranding of cottonseed meal and (or) cake. U. S. * * * v. Mangum Cotton Oil Mill Co., a corporation. Plea of guilty. Fine, \$150 and costs. (F. & D. No. 7705. I. S. Nos. 10889-1, 18906-1, 10887-1.)

On January 22, 1917, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mangum Cotton Oil Mill Co., a corporation, Mangum, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 8, 1915, December 21, 1915, and January 14, 1916, from the State of Oklahoma into the State of Illinois, of quantities of cottonseed meal and (or) cake which was misbranded. The article was variously labeled in part: "Sunset Brand Prime Cotton Seed Meal and Cake * * *"; "Silo Brand Cotton Seed Meal or Cake * * *"; or "Equity Brand Cotton Seed Meal and Cake * * *."

Analyses of samples of the article in each shipment by the Bureau of Chemistry of this department showed respectively the following results:

	No. 1.	No. 2.	No. 3.
Crude fiber (per cent).....	13.1	-----	11.7
Crude protein (per cent).....	37.9	33.8	38.3
Nitrogen (per cent).....	6.06	5.41	6.12
Ammonia (per cent).....	7.37	6.58	7.44

In January 14 and December 8 shipments the product contains less ammonia, protein, and nitrogen, and more crude fiber, than is stated on the label. In the December 21 shipment the product contains less ammonia and protein than is stated on the label.

Misbranding of the article in the shipments of December 8, 1915, and January 14, 1916, was alleged in the information for the reason that the statement borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, to wit, "Guaranteed Analysis: Ammonia 8 to 8½% (Not less than 8%), Protein, 41 to 43% (Not less than 41%), * * * Nitrogen 6½ to 8% (Not less than 6½%) * * * Fiber (Maximum) 8 to 10% (Not more than 10%)" or "Guaranteed Analysis: Ammonia not less than 8%. Protein not less than 41%, Nitrogen not less 6½% * * * Crude Fiber not more than 10½%," as the case might be, was false and misleading in that it represented that the article contained not less than 8 per cent of ammonia, not less than 41 per cent of protein, not less than 6½ per cent of nitrogen, and not more than 10 (or 10½) per cent of fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article contained not less than 8 per cent of ammonia, not less than 41 per cent of protein, not less than 6½ per cent of nitrogen, and not more than 10 (or 10½) per cent of fiber, when, in truth and in fact, it contained less than 8 per cent of ammonia, less than 41 per cent of protein, less than 6½ per cent of nitrogen, and more than 10 (or 10½) per cent of fiber, to wit, approximately 7.37 (or 7.44) per cent of ammonia, approximately 37.9 (or 38.3) per cent of protein, approximately 6.06 (or 6.12) per cent of nitrogen, and approximately 13.1 (or 11.7) per cent of crude fiber. Misbranding of the article from the shipment of December 21, 1915, was alleged for the reason that the statement, borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, to wit, "Guaranteed Analysis Ammonia 8 to 8½%, Protein 41 to 43%," was false and misleading in that it represented

that said article contained not less than 8 per cent of ammonia and not less than 41 per cent of protein; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 8 per cent of ammonia and not less than 41 per cent of protein, when, in truth and in fact, it contained less than 8 per cent of ammonia and less than 41 per cent of protein, to wit, approximately 6.58 per cent of ammonia and approximately 33.8 per cent of protein.

On April 4, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$150 and costs.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5282. Misbranding of cottonseed meal. U. S. * * * v. Tecumseh Oil & Cotton Co., a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 7706. I. S. No. 16082-1.)

On November 13, 1916, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tecumseh Oil & Cotton Co., a corporation, doing business at Tecumseh, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 12, 1915, from the State of Oklahoma into the State of Iowa, of a quantity of an article labeled in part, "Good Luck Brand Cotton Seed Meal," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Crude fiber (per cent)-----	13.82
Nitrogen (per cent)-----	5.63
Ammonia (per cent)-----	6.82
Protein (per cent)-----	35.19

The above examination shows the article to contain less than 8 per cent ammonia, less than 41 per cent protein, less than $6\frac{1}{2}$ per cent nitrogen, and more than 9 per cent crude fiber.

Misbranding of the article was alleged in substance in the information for the reason that the statement, to wit, "Analysis Ammonia 8 per cent Protein 41 per cent Nitrogen $6\frac{1}{2}$ per cent * * * Crude Fibre Not Over 9 per cent," borne on the tags attached to the sacks regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that said article contained not less than 8 per cent of ammonia, not less than 41 per cent of protein, not less than $6\frac{1}{2}$ per cent of nitrogen, and not more than 9 per cent of crude fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 8 per cent of ammonia, not less than 41 per cent of protein, not less than $6\frac{1}{2}$ per cent of nitrogen, and not more than 9 per cent of crude fiber, when, in truth and in fact, it contained less than 8 per cent of ammonia, less than 41 per cent of protein, less than $6\frac{1}{2}$ per cent of nitrogen, and more than 9 per cent of crude fiber.

On January 30, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5283. Adulteration of turmeric root. U. S. * * * v. 18 Bags of Turmeric Root. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7710. I. S. No. 12204-m. S. No. C-565.)

On September 18, 1916, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 18 bags, each containing 190 pounds of turmeric root, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about August 25, 1916, by the L. E. Ransom Co., New York, N. Y., and transported from the State of New York into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, and was unfit for use as food.

On October 19, 1916, the said L. E. Ransom Co., a corporation, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that said article should be ground up and used in the making of paper or paper products.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5284. Adulteration of shell eggs. U. S. * * * v. 2 Cases * * * 5 Cases * * * and 22 Cases of Shell Eggs. Consent decrees of condemnation and forfeiture. Unfit portion ordered destroyed. Good portion ordered released on bond. (F. & D. No. 7711. I. S. Nos. 21469-m, 21470-m, 21471-m. S. Nos. W-127, W-128, W-129.)

On August 26, 1916, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2 cases, 5 cases, and 22 cases of shell eggs, consigned by Percy Crumbein, from Nakoma, Bazine, and Alexander, Kans, remaining unsold in the original unbroken packages at Pueblo, Colo., alleging that the article had been shipped on or about August 21, 1916, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article in each shipment was alleged in the libels for the reason that it consisted in part of filthy, putrid, and decomposed matter.

On September 25, 1916, J. Harlan Collins, Pueblo, Colo., claimant, having admitted the allegation of the libel, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the portion of the eggs found to be unfit for food should be destroyed, and that the portion found to be fit for food should be released to said claimant upon the filing of a good and sufficient bond, in conformity with section 10 of the act.

R. A. PEARSON, Acting Secretary of Agriculture.

5285. Adulteration of eggs. U. S. * * * v. 5 Cases of Shell Eggs. Judgment of court finding product adulterated. Portion of product destroyed. (F. & D. No. 7712. I. S. No. 21477-m. S. No. W-130.)

On August 26, 1916, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, a libel for the seizure and condemnation of 5 cases, each containing 30 dozen shell eggs, consigned by L. Sommers, Lydia, Kans., and remaining unsold in the original unbroken packages at Pueblo, Colo., alleging that the article had been shipped on or about August 22, 1916, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of filthy, putrid, and decomposed matter.

On September 25, 1916, the Beatrice Creamery Co., a corporation, claimant, having filed its claim and consented to a decree, and the portion of the product that had been found fit for food having been disposed of by the claimant, and the remaining portion of the food that was decomposed and unfit for food having been destroyed by the claimant, it was found by the court that said eggs were adulterated as alleged, and the disposal of the said eggs was confirmed by the court, and it was ordered that the said claimant should pay the marshal's costs in the proceedings.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5286. Adulteration of shell eggs. U. S. * * * v. 7 Cases of Shell Eggs. Consent decree of condemnation and forfeiture. Unfit portion ordered destroyed. Good portion ordered released on bond. (F. & D. No. 7713. I. S. No. 21467-m. S. No. W-131.)

On August 29, 1916, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cases of shell eggs, consigned by Messler & Ruyle, Russell Springs, Kans., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about August 18, 1916, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of filthy, putrid, and decomposed matter.

On September 25, 1916, Smith & Ellis, Denver, Colo., claimants, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portion of the eggs found to be unfit for food should be destroyed, and the portion found fit for food be released to said claimant, upon the filing of a good and sufficient bond, in conformity with section 10 of the act.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5287. Adulteration of shell eggs. U. S. * * * v. 8 Cases of Shell Eggs. Consent decree of condemnation and forfeiture. Unfit portion ordered destroyed. Good portion ordered released on bond. (F. & D. No. 7714. I. S. No. 21468-m. S. No. W-132.)

On August 29, 1916, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 cases of shell eggs, consigned by T. H. Stein, Bellefont, Kans., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about August 19, 1916, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of filthy, putrid, and decomposed matter.

On September 25, 1916, The Rhodes Ranch Egg Co., Denver, Colo., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portion of the eggs found to be unfit for food should be destroyed, and the portion found fit for food be released to said claimant, upon the filing of a good and sufficient bond, in conformity with section 10 of the act.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5288. Adulteration of shell eggs. U. S. * * * v. 8 Cases and 13 Cases of Shell Eggs. Consent decree of condemnation and forfeiture. Unfit portion ordered destroyed. Good portion ordered released on bond. (F. & D. No. 7715. I. S. Nos. 21487-m, 21488-m. S. Nos. W-133, W-134.)

On August 26, 1916, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 8 cases and 13 cases of shell eggs, consigned by Percy Crumbein and Martin Carnelsen, Alexander and Bazine, Kans., remaining unsold in the original unbroken packages at Colorado Springs, Colo., alleging that the article had been shipped on or about August 18, 1916, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that it consisted in part of filthy, putrid, and decomposed matter.

On September 25, 1916, Ira J. Morse, Colorado Springs, Colo., claimant, having admitted the allegations of the libel, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the portion of the eggs found to be unfit for food be destroyed and the portion found to be fit for food be released to said claimant, upon the filing of a good and sufficient bond, in conformity with section 10 of the act.

R. A. PEARSON, *Acting Secretary of Agriculture,*

5289. Adulteration of shell eggs. U. S. * * * v. 2 Cases of Shell Eggs. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 7716. I. S. No. 22107-m. S. No. W-135.)

On August 31, 1916, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cases, each containing 30 dozen shell eggs, consigned by D. C. Evans, Dodge City, Kans., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about August 24, 1916, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of filthy, putrid, and decomposed matter.

On September 25, 1916, A. B. Evans, Denver, Colo., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portion of eggs found to be unfit for food be destroyed and the portion found fit for food be released to said claimant, upon the filing of a good and sufficient bond, in conformity with section 10 of the act.

R. A. PEARSON, Acting Secretary of Agriculture.

5290. Adulteration of eggs. U. S. * * * v. 23 Cases of Shell Eggs (and Other Cases of Shell Eggs). Consent decrees of condemnation and forfeiture. Unfit portion ordered destroyed. Good portion ordered released on bond. (F. & D. No. 7717. I. S. Nos. 22110-m, 22122-m, 22111-m, 22114-m, 22120-m. S. Nos. W-136, W-137, W-138, W-139, W-140.)

On August 31, 1916, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 23 cases of shell eggs and 4 cases of shell eggs, consigned by the Green Poultry Co., Haigler, Nebr.; 3 cases of shell eggs consigned by George W. Brown, Enders, Nebr.; 6 cases of shell eggs consigned by Wacker Bros., Culbertson, Nebr.; and 6 cases of shell eggs consigned by Hein Bros. Co., Culbertson, Nebr., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about August 7, August 10, August 11, August 14, and August 18, 1916, and transported from the State of Nebraska into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article in each shipment was alleged in the libels for the reason that it consisted in part of filthy, putrid, and decomposed matter.

On September 25, 1916, James M. Gingrich, Denver, Colo., claimant, having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the portion of eggs found to be unfit for food be destroyed, and the portion found fit for food be released to said claimant, upon the filing of a good and sufficient bond, in conformity with section 10 of the act.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5291. Misbranding of cottonseed meal and cake. U. S. * * * v. Arthur G. Fulkerson, Edward C. Burton, and Richard K. Wootten (Anadarko Cotton Oil Co.). Pleas of guilty. Fine, \$50 and costs. (F. & D. No. 7718. I. S. No. 19854-1.)

On March 15, 1917, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Arthur G. Fulkerson, Edward C. Burton, and Richard K. Wootten, copartners, trading under the name of Anadarko Cotton Oil Co., Anadarko, Okla., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about February 3, 1916, from the State of Oklahoma into the State of Missouri, of a quantity of an article labeled in part: "Equity Brand Red Tag Cotton Seed Meal and Cake," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Crude fiber (per cent)-----	13.3
Crude protein (per cent)-----	35.9
Total nitrogen (per cent)-----	5.74
Total ammonia (per cent)-----	6.98

This product contains less ammonia, less protein, less nitrogen, and more crude fiber than it is labeled to contain.

Misbranding of the article was alleged in the information for the reason that the statement appearing on the tag attached to the sacks, regarding the article and the ingredients and substances contained therein, to wit, "Guaranteed Analysis Ammonia $7\frac{1}{2}$ to 8%. Protein 38.62 to 41%. Nitrogen 6 to $6\frac{1}{2}$ % * * *. Crude Fibre 10 to 12%," was false and misleading in that it represented that the article contained not less than 7.5 per cent of ammonia, not less than 38.62 per cent of protein, not less than 6 per cent of nitrogen, and not more than 12 per cent of crude fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 7.5 per cent of ammonia, not less than 38.62 per cent of protein, not less than 6 per cent of nitrogen, and not more than 12 per cent of crude fiber, whereas, in truth and in fact, it contained less than 7.5 per cent of ammonia, less than 38.62 per cent of protein, less than 6 per cent of nitrogen, and more than 12 per cent of crude fiber, to wit, approximately 6.98 per cent of ammonia, approximately 35.9 per cent of protein, approximately 5.74 per cent of nitrogen, and approximately 13.3 per cent of crude fiber.

On April 23, 1917, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50 and costs.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5292. Adulteration and misbranding of lithia water. U. S. * * * v. 5 Cases of Lithia Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7720. I. S. No. 21115-m. S No. W-142.)

On September 22, 1916, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases of lithia water, consigned by Enno Sander Mineral Water Co., St. Louis, Mo., on September 12, 1916, and remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that article had been shipped and transported from the State of Missouri into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled: "Garrod Spa Lithia Water An Antacid and Trusty Remedy for the Cure of Gout and Rheumatism Manufactured by Enno Sander Mineral Water Co. St. Louis, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of filthy, decomposed, and putrid matter.

Misbranding was alleged for the reason that the article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed in the statement on the label, to wit, "Trusty remedy for the cure of gout and rheumatism."

On October 3, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5293. Adulteration of tomatoes. U. S. * * * v. 8 Cases of Canned Tomatoes * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7722. S. No. E-688.)

On September 23, 1916, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 cases of canned tomatoes, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Stevens, Chicago, Ill., and transported from the State of Illinois into the State of Maryland, the shipment having arrived on or about June 21, 1916, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Talbot Chief Brand Tomatoes * * * Packed by Wm. P. Oxenham & Bro., Kirkham, Md. A. W. Sisk & Son, Preston, Md. Sole Selling Agents."

It was charged in substance in the libel that the article was adulterated for the reason that it consisted in part of a decomposed vegetable substance.

On November 17, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5294. Adulteration and misbranding of "Carnival Brand Cocoa." U. S. * * * v. Henry V. Stollwerck (Victor Chocolate Works). Plea of guilty. Fine, \$25. (F. & D. No. 7723. I. S. No. 2099-1.)

On December 19, 1916, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said District an information against Henry V. Stollwerck, trading as Victor Chocolate Works, Jersey City, N. J., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 1, 1916, from the State of New Jersey into the State of New York, of a quantity of an article labeled in part, "Carnival Brand Cocoa," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

Fat (per cent) -----	16.96
Ash (per cent) -----	9.23
Water-insoluble ash (per cent) -----	6.20
Acid-insoluble ash (per cent) -----	2.20
Crude fiber (per cent) -----	8.34

Microscopic examination and crude fiber show addition of not less than 35 per cent of cocoa shells.

Adulteration of the article was alleged in substance in the information for the reason that cocoa shells had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for cocoa, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Cocoa," borne on the barrel containing the article, regarding the ingredients and substances contained therein, was false and misleading in that it represented that it consisted exclusively of cocoa; and for the further reason that it was labeled, "Cocoa," so as to deceive and mislead the purchaser into the belief that it consisted exclusively of cocoa, whereas, in truth and in fact, it did not, but consisted in part of cocoa shells.

On March 19, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5295. Adulteration of condensed milk. U. S. * * * v. 80 Cases of Condensed Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7726. I. S. No. 1808-m. S. No. E-690.)

On September 27, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 80 cases of condensed milk, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about September 1, 1916, by Ullmann, Stern & Krausee Co., Galveston, Tex., and transported from the State of Texas into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "* * * Skimmed Milk Condensed Sweetened Square Brand * * *. Hires Condensed Milk Co. Philadelphia, Pa."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted particularly [in part] of a decomposed animal product.

On October 17, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, Acting Secretary of Agriculture.

5296. Adulteration of canned vegetables. U. S. * * * v. 31 Cases of Canned Vegetables. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7727. I. S. No. 1869-m. S. No. E-691.)

On September 29, 1916, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 31 cases of canned vegetables, to wit, tomatoes, corn, pumpkin, sweet potatoes, beans, and sauerkraut, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Noble Bros., Galveston, Tex., and were being transported from the State of Texas into the State of Maryland, the shipment having been received on or about September 25, 1916, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of partially decomposed vegetable products.

On October 17, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5297. Adulteration and misbranding of "Black's Perfection Sweet Milk Chocolate." U. S. * * * v. Warren B. Thomas and Edward K. Black (Thomas-Black Co.). Pleas of nolo contendere. Fine, \$25 and costs. (F. & D. No. 7729. I. S. No. 20805-1.)

On January 26, 1917, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Warren B. Thomas and Edward K. Black, copartners, trading as the Thomas-Black Co., Columbus, Ohio, alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about February 19, 1915, from the State of Ohio into the State of Oregon, of a quantity of an article labeled in part, "Black's Perfection Sweet Milk Chocolate Manufactured by the Thomas-Black Co. Columbus, O.," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Ether extract by extraction (per cent)-----	3.00
Fat (Roese-Gottlieb) (per cent)-----	3.30
Reichert-Meisel number of extracted fat-----	2.72
Polenske number of extracted fat-----	0.31
Milk fat calculated (per cent)-----	0.30
Sucrose (per cent)-----	59.46
Lactose by polarization (per cent)-----	11.10

The product is a skimmed-milk cocoa preparation.

Adulteration of the article was alleged in the information for the reason that substances, to wit, cocoa and skimmed milk, had been substituted in whole or in part for sweet milk chocolate, which the article purported to be.

Misbranding was alleged for the reason that the statement, borne on the label, regarding the article and the ingredients and substances contained therein, to wit, "Sweet Milk Chocolate," was false and misleading in that it represented that said article consisted exclusively of sweet milk chocolate; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted exclusively of sweet milk chocolate, whereas, in truth and in fact, it did not, but consisted in part of cocoa and skimmed milk.

On March 21, 1917, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$25 and costs.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5298. Adulteration of grapefruit. U. S. * * * v. 44 Boxes of Grapefruit. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7733. I. S. No. 2505-m. S. No. E-694.)

On October 2, 1916, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 44 boxes of grapefruit, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped on or about September 27, 1916, by R. D. Day, San Juan, Porto Rico, and transported from the Island of Porto Rico into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it was sweated to color it in a manner to simulate mature fruit; and for the further reason that it was colored in a manner whereby inferiority was concealed.

On October 17, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5299. Adulteration and misbranding of "Diamond Brand Tomato Pulp."
U. S. * * * v. Booth Packing Co., a corporation. Plea of guilty.
Fine, \$20. (F. & D. No. 7736. I. S. Nos. 3534-1, 3540-1.)

On April 4, 1917, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Booth Packing Co., a corporation doing business at Baltimore, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 30, 1915, and December 23, 1915, from the State of Maryland into the State of New York, of a quantity of an article labeled in part: "Diamond Brand Tomato Pulp * * * Weight of Contents 10 oz.," which was adulterated and misbranded.

Analysis of a sample of the article in each shipment by the Bureau of Chemistry of this department showed that it consisted of a partially decomposed vegetable product and was short weight.

Adulteration of the article in each shipment was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged for the reason that the statement, to wit, "Weight of Contents 10 oz.," borne on the label attached to the cans, regarding the article, was false and misleading in that it represented that the contents of the said cans weighed 10 ounces; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the contents of said cans weighed 10 ounces, whereas, in truth and in fact, it did not, but weighed a less amount.

On April 4, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$20.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5300. Adulteration of eggs. U. S. * * * v. 376 Cases of Eggs. Consent decree of condemnation and forfeiture. Unfit portion ordered denatured. Good portion ordered released. (F. & D. No. 7738. I. S. No. 1350-m. S. No. E-692.)

On September 25, 1916, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information for the seizure and condemnation of 376 cases of eggs, consigned on or about September 15, 1916, by the Mitchell Produce Co., Mitchell, S. D., remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped and transported from the State of South Dakota into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel of information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 26, 1916, the said Mitchell Produce Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the eggs should be examined by a representative of the Department of Agriculture, and that portion found to be adulterated should be denatured, and that portion found to be free from adulteration should be released to said claimant upon the payment of the costs of the proceedings and all expenses incidental to the examination of said product.

R. A. PEARSON, *Acting Secretary of Agriculture.*

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United States Department of Agriculture,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 5301-5350.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 24, 1918.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

5301. Adulteration of shell eggs. U. S. * * * v. 16 Cases of Shell Eggs. Consent decree of condemnation and forfeiture. Good portion released. Unfit portion destroyed. (F. & D. No. 7739. I. S. No. 21443-m. S. No. W-124.)

On August 18, 1916, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 cases of shell eggs, consigned on August 6, 1916, by H. M. Knox, Garden City, Kans., and remaining unsold in the original unbroken packages at Denver, Colo., alleging that the articles had been shipped and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of filthy, putrid, and decomposed matter.

On September 23, 1916, Charles C. Martin, Denver, Colo., claimant, having admitted the allegations contained in the libel, the product was found to be adulterated by the court, and it was ordered that the portion found to be fit for food be released and the remainder destroyed.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5302. Adulteration of tomatoes. U. S. * * * v. 16 Cases of Canned Tomatoes * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7746. I. S. Nos. 1402-m, 1403-m. S. No. E-696.)

On October 6, 1916, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 cases of canned tomatoes, consigned on or about September 6, 1916, and remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by J. H. Kamman Co., Buffalo, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The cans were labeled in part: "Old Scout Brand Tomatoes * * *. Packed by Baltimore Canning Company. Baltimore, Md."

It was charged in substance in the libel that the article was adulterated for the reason that it was spoiled and emitted a putrid odor.

On November 14, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, Acting Secretary of Agriculture.

5303. Misbranding of cottonseed meal and cake. U. S. * * * v. Choctaw Cotton Oil Co., a corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 7747. I. S. No. 10689-1.)

On December 15, 1916, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Choctaw Cotton Oil Co., a corporation, doing business at Shawnee, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 12, 1916, from the State of Oklahoma into the State of Kansas, of a quantity of an article labeled in part, "Cotton Seed Meal and Cake," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Crude protein (per cent)----- 37.1

The product contains less protein than is stated on the label.

The net weight is not declared on the label.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed analysis Protein, not less than 41%," borne on the tag attached to the sacks, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that said article contained not less than 41 per cent of protein; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of protein, whereas, in truth and in fact, it contained less than 41 per cent of protein, to wit, approximately 37.1 per cent of protein. Misbranding was alleged for the further reason that the article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 4, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

R. A. PEARSON, Acting Secretary of Agriculture.

5304. Adulteration and misbranding of pork and beans. U. S. * * * v. Charles C. MacDonald (Elyria Canning Co.). Plea of nolo contendere. Fine, \$135. (F. & D. No. 7748. I. S. Nos. 411-l, 413-l, 414-l, 453-l, 3559-k, 3561-k, 3562-k, 4128-l, 4139-l, 4140-l.)

On January 18, 1917, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles C. MacDonald, trading as the Elyria Canning Co., Elyria, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about February 15, 1915, February 27, 1915, and March 4, 1915, from the State of Ohio into the State of New York, and on or about December 20, 1915, December 28, 1915, January 3, 1916, February 23, 1916 (3 shipments), and April 11, 1916, from the State of Ohio into the State of Pennsylvania, of quantities of pork and beans, a part of which were adulterated and a part adulterated and misbranded. The article was variously labeled in part: "Prairie Girl" (or "Cru-soe") (or "Napoleon") (or "Puritan") (or "Speedway") (or "Crystal") "Brand Pork and Beans With Tomato Sauce * * *."

Analyses of samples of the article from each shipment by the Bureau of Chemistry of this department showed it to contain a large number of partly decomposed beans.

Adulteration of the article in each shipment was alleged in the information for the reason that it consisted in whole or in part of decomposed vegetable matter.

Misbranding of the article in two of the shipments was alleged in substance for the reason that the statement, to wit, "Contents 2 Lbs. or over," borne on the label, regarding the article, was false and misleading in that it represented that each can contained not less than 2 pounds; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each can contained not less than 2 pounds, whereas, in truth and in fact, it did not contain 2 pounds, but contained a less amount.

On March 22, 1917, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$135 and costs.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5305. Misbranding of "Continental Gluten Feed." U. S. * * * v. Woolner Distilling Co., a corporation. Plea of nolo contendere. Fine, \$250 and costs. (F. & D. No. 7751. I. S. No. 19739-1.)

On January 16, 1917, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Woolner Distilling Co., a corporation, trading under the name of the Continental Cereal Co., Peoria, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 10, 1915, from the State of Illinois into the State of Michigan, of a quantity of an article labeled in part "Continental Gluten Feed * * * Manufactured by Continental Cereal Co. Peoria Illinois," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Ether extract (crude fat) (per cent)_____	7.0
Crude protein (per cent)_____	25.5

The product contains less protein and fat than is declared on the label.

Misbranding of the article was alleged in the information for the reason that the statement, appearing on the tag attached to the sacks, regarding the article and the ingredients and substances contained therein, to wit, "Protein 29 per cent. Minimum to 34 Per Cent Maximum, Fat 12.5 per cent. Minimum to 14.5 Per cent Maximum," was false and misleading in that it represented that said article contained not less than 29 per cent of protein and not less than 12.5 per cent of fat; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 29 per cent of protein and not less than 12.5 per cent of fat, whereas, in truth and in fact, it contained less than 29 per cent of protein and less than 12.5 per cent of fat, to wit, approximately 25.5 per cent of protein and approximately 7.0 per cent of fat.

On April 20, 1917, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$250 and costs.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5306. Adulteration of grapefruit. U. S. * * * v. 1059 Boxes of Grapefruit. Consent decree of condemnation and forfeiture. Fit portion ordered released on bond. Unfit portion ordered destroyed. (F. & D. No. 7753. I. S. Nos. 1032-m, 1033-m, 1034-m. S. No. E-697.)

On October 10, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,059 boxes of grapefruit, consigned by the La Isabella Grove Plantation Co., San Juan, P. R., and remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about October 4, 1916, and transported from the Island of Porto Rico into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that immature and green grapefruit had been substituted wholly or in part for said article; and for the further reason that the article had been colored, coated, and stained in a manner whereby damage and inferiority were concealed.

On October 17, 1916, the said La Isabella Grove Plantation Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the grapefruit should be examined by a representative of the Department of Agriculture and that the portion found free from adulteration should be released to said claimant upon the payment of the costs of the proceedings and the expenses incident to said examination and the execution of a bond in the sum of \$4,000, in conformity with section 10 of the act. The portion of the product found to be unfit for food purposes was destroyed.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5307. Adulteration of canned apples. U. S. * * * v. 318 Cases of Canned Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7754. I. S. No. 1695-m. S. No. E-698.)

On October 10, 1916, the United States attorney for the district of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel for the seizure and condemnation of 318 cases of canned apples, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by W. E. Robinson & Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Fawn Grove Brand Apples Contents 5 lbs. 10 oz. or over packed for Jas. T. Smith, Fawn Grove, Penna."

It was charged in the libel that the article was adulterated for the reason that practically all the cans were swells and leakers, and the said product contained therein was decomposed.

On November 17, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5308. Adulteration and misbranding of evaporated milk. U. S. * * * v. 66 Cases of Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7755. I. S. No. 21231-m. S. No. W-144.)

On October 21, 1916, the United States attorney for the western district of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel for the seizure and condemnation of 66 cases of evaporated milk, remaining unsold in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about October 1, 1916, by J. B. Lincoln & Co., a corporation, Seattle, Wash., and transported from the State of Washington into the Territory of Alaska, and thereafter reshipped to the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Mt. Vernon Evaporated Milk, Mt. Vernon Cream Co. Seattle Washington."

Adulteration of the article was alleged in the libel for the reason that partly evaporated milk had been substituted wholly for said article.

Misbranding was alleged in substance for the reason that the statement on the label, to wit, "Evaporated Milk," was false and misleading, and such as to deceive and mislead the purchaser in that the article was an imitation of, and offered for sale under the distinctive name of, another article, to wit, "Evaporated Milk," when, in truth and in fact, said product was only partly evaporated milk.

On November 20, 1916, John B. Agen Co., Seattle, Wash., claimant having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be redelivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the containers of the article should be relabeled under the supervision and in accordance with the requirements of the Department of Agriculture.

R. A. PEARSON, Acting Secretary of Agriculture.

5309. Misbranding of cottonseed meal and (or) cake. U. S. * * * v. Edward C. Burton, Richard K. Wooten, and Arthur G. Fulkerson (Anadarko Cotton Oil Co.). Pleas of guilty. Fine, \$150 and costs. (F. & D. No. 7756. I. S. Nos. 10056-1, 10891-1.)

On December 15, 1916, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edward C. Burton, Richard K. Wooten, and Arthur G. Fulkerson, copartners, trading as Anadarko Cotton Oil Co., Anadarko, Okla., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about January 21, 1916, and January 6, 1916, from the State of Oklahoma into the States of Missouri and Illinois, respectively, of quantities of an article labeled in part, "Cotton Seed Meal and" ("or") "Cake," which was misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

	Shipment of January 6.	Shipment of January 21.
Crude fiber (per cent)-----	12.0	14.5
Crude protein (per cent)-----	37.9	34.6
Total nitrogen (per cent)-----	6.06	5.54
Total ammonia (per cent)-----	7.37	6.74

Shipment of January 6 contains less crude protein and more crude fiber than is declared on the label.

Shipment of January 21 contains less ammonia, protein, and nitrogen, and more crude fiber than is declared on the label.

Misbranding of the article in the shipment of January 21, 1916, was alleged in the information for the reason that the statement appearing on the tag attached to the sacks, regarding the article and the ingredients and substances contained therein, to wit, "Guaranteed Analysis: Ammonia 7½% Protein 38.62% Nitrogen 6% * * * Crude Fiber 10%," was false and misleading in that it represented that said article contained not less than 7.5 per cent of ammonia, not less than 38.62 per cent of protein, not less than 6 per cent of nitrogen, and not more than 10 per cent of fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 7.5 per cent of ammonia, not less than 38.62 per cent of protein, not less than 6 per cent of nitrogen, and not more than 10 per cent of fiber, when, in truth and in fact, it contained less than 7.5 per cent of ammonia, less than 38.62 per cent of protein, less than 6 per cent of nitrogen, and more than 10 per cent of crude fiber, to wit, ammonia, approximately 6.74 per cent; protein, approximately 34.6 per cent; nitrogen, approximately 5.54 per cent; and crude fiber, approximately 14.5 per cent.

Misbranding of the article in the shipment of January 6, 1916, was alleged for the reason that the statement, borne on the tag attached to the sacks regarding the article and the ingredients and substances contained therein, to wit, "Anadarko Cotton Oil Company, Anadarko, Okla. * * * hereby certifies * * * the following chemical analysis: Crude Protein, not less than 41 per cent * * * Crude Fiber, not more than 10½ per cent," was false and misleading in that it represented that it contained not less than 41 per cent of crude protein and not more than 10.5 per cent of crude fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of crude protein and not more than 10.5 per cent of crude fiber, whereas, in truth and in fact, it contained less than 41 per cent of protein, and more than 10.5 per cent of crude fiber, to wit,

protein, approximately 37.9 per cent, and crude fiber, approximately 12 per cent. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 23, 1917, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$150 and costs.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5310. Adulteration of canned apples. U. S. * * * v. 9 Cases of Canned Apples * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7759. I. S. No. 6210-m. S. No. E-700.)

On October 13, 1916, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of nine cases of canned apples, consigned on or about August 24, 1916, and remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by John Condillis Co., Savannah, Ga., and transported from the State of Georgia into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Rosette Brand Apples. * * * Packed by Fleming & Co., Baltimore, Md."

It was charged in the libel that the article was adulterated for the reason that the cans contained a fermented and decomposed product, and the shipment consisted largely of leaking cans.

On November 17, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, Acting Secretary of Agriculture.

5311. Adulteration of salted salmon. U. S. * * * v. 34 Barrels of Salted Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7761. I. S. No. 1715-m. S. No. E-702.)

On October 14, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 34 barrels of salted salmon, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about August 26, 1916, by the Washington Fish & Oyster Co. (Inc.), Seattle, Wash., and transported from the State of Washington into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in particular [part] of a putrid and decomposed animal substance.

On November 3, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5312. Adulteration of tomato pulp. U. S. * * * v. 126 Cans * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7762. I. S. No. 1047-m. S. No. E-703.)

On October 14, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 126 cans, each containing 5 gallons of tomato pulp, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about September 15, 1916, by the Williams Bros. Co., Detroit, Mich., and transported from the State of Michigan into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in particular, wholly or in part, of a decomposed vegetable product, to wit, tomato pulp.

On November 3, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, Acting Secretary of Agriculture.

5313. Adulteration of canned pears and tomatoes. U. S. * * * v. 30 Cases * * * of Canned Pears and Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7766. I. S. Nos. 11438-m, 11439-m. S. No. C-571.)

On October 17, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 cases of canned pears and tomatoes, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on October 10, 1916, by J. M. Paver Co., Chicago, Ill., and was being transported from the State of Illinois into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On December 8, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, Acting Secretary of Agriculture.

5314. Adulteration of coffee. U. S. * * * v. 250 Sacks of Coffee. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7767. I. S. No. 8804-m. S. No. E-705.)

On October 16, 1916, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on February 19, 1917, an amendment thereto, for the seizure and condemnation of 250 sacks of coffee, remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about September 30, 1916, and transported from the Dominion of Canada into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that decomposed, unsound, and immature coffee beans and foreign material had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for said article; and for the further reason that said article consisted in part of a decomposed vegetable substance.

On March 10, 1917, Frederick J. West (Inc.), New York, N. Y., claimant, having admitted the averments of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant for recleaning under the supervision of the Chief of the Philadelphia Laboratory of the Bureau of Chemistry, upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, in conformity with section 10 of the act.

R. A. PEARSON, Acting Secretary of Agriculture.

5315. Misbranding of cottonseed meal or cake. U. S. * * * v. Tecumseh Oil & Cotton Co., a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 7768. I. S. No. 19865-1.)

On January 22, 1917, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tecumseh Oil & Cotton Co., a corporation, doing business at Tecumseh, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 16, 1916, from the State of Oklahoma into the State of Iowa, of a quantity of an article labeled in part, "Cotton Seed Meal or Cake Manufactured by Tecumseh Oil & Cotton Co. Tecumseh, Okla.," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Crude fiber (per cent)-----	12.8
Crude protein (per cent)-----	36.2

The product contains less protein and more crude fiber than stated on the label.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 41 to 43% * * * Crude Fibre 10½% * * *," borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 41 per cent of protein, and not more than 10½ per cent of crude fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of protein and not more than 10½ per cent of crude fiber, whereas, in truth and in fact, it contained less than 41 per cent of crude protein and more than 10½ per cent of crude fiber, to wit, approximately 36.2 per cent of protein and approximately 12.8 per cent of crude fiber.

On January 30, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5316. Adulteration of grapefruit. U. S. * * * v. 169 Boxes of Grapefruit. Consent decree of condemnation and forfeiture. Good portion ordered released. Unfit portion destroyed. (F. & D. No. 7770. S. No. E-709.)

On October 16, 1916, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 169 boxes of grapefruit, alleging that the article had been shipped on or about October 12, 1916, by R. D. Day, San Juan, P. R., and transported from the Island of Porto Rico into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it was sweated to color it in a manner to simulate mature fruit; and for the further reason that it was colored in a manner whereby inferiority was concealed.

On October 19, 1916, Curran, Robertson & Co., New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sorted under the supervision of this department and that the good portion should be released to said claimant. On October 27, 1916, it was further ordered that the unfit portion should be destroyed.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5317. Misbranding of cottonseed meal and cake. U. S. * * * v. Choctaw Cotton Oil Co., a corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 7771. I. S. No. 16083-1.)

On January 29, 1917, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Choctaw Cotton Oil Co., a corporation, doing business at Ada, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 7, 1915, from the State of Oklahoma into the State of Iowa, of a quantity of an article labeled in part "Cottonseed Meal and Cake," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Crude fiber (per cent)-----	13.5
Protein (per cent)-----	37.1

The results of analysis show that the product contains more fiber and less protein than is declared on the label.

Misbranding of the article was alleged in substance in the information for the reason that the statement, to wit, "Guaranteed Analysis Crude Protein * * * not less than 41% to 43% * * * Crude Fiber * * * not more than * * * 12%," borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that said article contained not less than 41 per cent of crude protein and not more than 12 per cent of crude fiber; and for the further reason that it was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of crude protein and not more than 12 per cent of crude fiber, whereas, in truth and in fact, it contained approximately 37.1 per cent of crude protein and approximately 13.5 per cent of crude fiber.

On March 5, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5318. Misbranding of cottonseed meal or cake. U. S. * * * v. Apache Cotton Oil & Manufacturing Co., a corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 7772. I. S. No. 16054-1.)

On December 9, 1916, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Apache Cotton Oil & Manufacturing Co., a corporation, Chickasha, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 23, 1916, from the State of Oklahoma into the State of Iowa, of a quantity of cottonseed meal or cake which was misbranded. The article was labeled in part: "'Choice' Cottonseed Meal or Cake * * * Crude Protein not less than 41 to 43 per cent. Crude Fat not less than 6 to 8 per cent. Crude Fiber not more than 10½ to 12 per cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Ether extract (per cent)-----	8.14
Crude fiber (per cent)-----	13.4
Protein (per cent)-----	36.9

The results of analysis show that the product contains less protein and more crude fiber than stated on the label.

Misbranding of the article was alleged in the information for the reason that the statement borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, to wit, "Analysis: Crude Protein * * * not less than * * * 41 to 43 per cent Crude Fibre * * * not more than * * * 10½ to 12 per cent," was false and misleading in that it represented that said article contained not less than 41 per cent of crude protein and not more than 12 per cent of crude fiber; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of crude protein and not more than 12 per cent of crude fiber, whereas, in truth and in fact, it contained less than 41 per cent of crude protein and contained more than 12 per cent of crude fiber, to wit, approximately 36.9 per cent of crude protein and approximately 13.4 per cent of crude fiber.

On December 30, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5319. Adulteration of canned apples. U. S. * * * v. 6, 50, and 27 Cases of Canned Apples. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 7773, 7774, 7775. S. Nos. E-706, E-707, E-708.)

On October 19, 1916, the United States attorney for the district of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district libels for the seizure and condemnation of 6, 50, and 27 cases of canned apples, consigned on August 9 and 17, and July 31, 1916, respectively, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Bernard Karp, New York, N. Y.; Gulland-Clark & Co., Elkins, W. Va.; and the Trimble Grocery Co., Mt. Sterling, Ky., respectively, and transported from the States of New York, West Virginia, and Kentucky, respectively, into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the articles was alleged in the libel in each case for the reason that it consisted in part of a decomposed vegetable substance.

On December 7, 1916, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, Acting Secretary of Agriculture.

5320. Adulteration of prunes. U. S. * * * v. 65 Boxes * * * of Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7776. I. S. No. 11622-m. S. No. C-573.)

On October 18, 1916, the United States attorney for the northern district of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel for the seizure and condemnation of 65 boxes of prunes, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on September 11, 1916, by Berdan & Co., Toledo, Ohio, and transported from the State of Ohio into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance; and for the further reason that it consisted in part of a filthy vegetable substance.

On December 8, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5321. Adulteration of frozen egg yolks. U. S. * * * v. 60 Cans * * * of Frozen Egg Product. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7777. I. S. No. 11721-m. S. No. C-572.)

On October 20, 1916, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 cans, each containing 30 pounds of frozen egg product, remaining unsold in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped on or about August 3, 1916, by John Layton Co., Inc., Chicago, Ill., and transported from the State of Illinois into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Egg Yolks * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of decomposed animal matter, the presence of which in the article rendered the same a filthy and decomposed animal substance.

On January 13, 1917, the John Layton Co., Inc., New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant after the obliteration of all labels and marks on said cans, the payment of the cost of the proceedings, and the execution of a bond by the claimant in the sum of \$100, in conformity with section 10 of the act.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5322. Misbranding of cottonseed meal and cake. U. S. * * * v. Choctaw Cotton Oil Co., a corporation. Plea of guilty. Fine, \$55 and costs. (F. & D. No. 7778. I. S. Nos. 10687-1, 10688-1, 10690-1.)

On January 29, 1917, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Choctaw Cotton Oil Co., a corporation, doing business at Ada, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 3, 1915 (two shipments), and December 27, 1915, from the State of Oklahoma into the State of Kansas, of quantities of an article labeled in part: "Cottonseed Meal and Cake," which was misbranded.

Analyses of samples of the article in each shipment by the Bureau of Chemistry of this department showed the following results:

Shipment of December 3:

Ether extract (crude fat) (per cent)-----	5.7
Crude fiber (per cent)-----	13.4
Crude protein (Nx6.25) (per cent)-----	36.5
The product contains less protein and fat and more crude fiber than it is labeled to contain.	

Shipment of December 3:

Crude protein (per cent)-----	39.4
The product contains less protein than it is labeled to contain.	

Shipment of December 27:

Crude protein (per cent)-----	37.6
The product contains less protein than is declared on the label, and the net weight is not stated on the package.	

Misbranding of the article in one of the shipments of December 3, 1917, was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Crude Protein * * * not less than 41% to 43% Crude Fat * * * not less than 6% to 7% Crude Fiber * * * not more than 12%," borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 41 per cent of crude protein, not less than 6 per cent of crude fat, and not more than 12 per cent of crude fiber; and for the further reason that it was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of crude protein, not less than 6 per cent of crude fat, and not more than 12 per cent of crude fiber, whereas, in truth and in fact, it contained less than 41 per cent of crude protein, less than 6 per cent of crude fat, and more than 12 per cent of crude fiber, to wit, approximately 36.5 per cent of crude protein, approximately 13.4 per cent of crude fiber, and approximately 5.7 per cent of crude fat.

Misbranding of the article in each of the other 2 shipments was alleged for the reason that the statement, to wit, "Guaranteed Analysis Crude Protein * * * not less than 41% to 43%" (or "Protein, not less than 41%"), borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 41 per cent of crude protein (or protein); and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41

per cent of crude protein (or protein), whereas, in truth and in fact, it contained less than 41 per cent of crude protein (or protein), to wit, approximately 39.4 per cent of crude protein (or 37.6 per cent of protein).

Misbranding of the article in the shipment of December 27, 1915, was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 5, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$55 and costs.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5323. Adulteration of oats. U. S. * * * v. 1 Carload of Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7779. I. S. No. 10609-m. S. No. C-574.)

On October 21, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 carload of oats, remaining unsold and unloaded from the car at East Joliet, Ill., alleging that the article had been shipped on October 13, 1916, by Taylor & Bournique Co., Milwaukee, Wis., and was being transported from the State of Wisconsin into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that wild oats, barley, wheat, chaff, dust, and small weed seeds had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article.

On November 8, 1916, the said Taylor & Bournique Co., claimants, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimants upon the payment of the costs of the proceedings and other expenses and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that said article should not be shipped, sold, or otherwise disposed of except as oats and screenings.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5324. Adulteration of canned tomatoes. U. S. * * * v. 2,000 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7782. I. S. No. 6212-m. S. No. C-580.)

On October 25, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2,000 cases of canned tomatoes, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on October 11, 1916, by the Little Bay Ice Co., Whitestone, Va., and transported from the State of Virginia into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article.

On January 23, 1917, the said Little Bay Ice Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product should be relabeled in such manner as to show that it contained added water.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5325. Adulteration of canned blackberries. U. S. * * * v. 23 Cases of Canned Blackberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7783. I. S. No. 2009-m. S. No. E-710.)

On October 21, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 23 cases of blackberries, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the J. M. Radford Grocery Co., Cisco, Tex., and transported from the State of Texas into the State of New York, the shipment having been received on or about October 18, 1916, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Santa Claus Brand Blackberries Contents 1 lb. 3 oz. Packed by Numsen & Davis, Benedict, Md."

It was charged in substance in the libel that the article was adulterated for the reason that it consisted in part of a partially decomposed product, to wit, decayed blackberries.

On November 9, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, Acting Secretary of Agriculture.

5326. Adulteration of frozen eggs. U. S. * * * v. 720 * * * Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Portion of product ordered released and portion ordered destroyed. (F. & D. No. 7784. I. S. No. 2522-m. S. No. E-711.)

On October 23, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 720 thirty-pound cans of frozen eggs, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about September 7, 1916, by J. P. Tyler & Co., Chicago, Ill., and transported from the State of Illinois into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted particularly, in whole or in part, of a filthy, decomposed, and putrid animal product.

On October 28, 1916, F. M. Coughlan & Son, New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, conditioned in part that the product should be sorted under the supervision of a representative of this department, and that the good portion should be delivered to the claimant for food purposes and the unfit portion destroyed or denatured.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5327. Misbranding of cottonseed meal or (and) cake. U. S. * * * v. Mangum Cotton Oil Mill Co., a corporation. Plea of guilty. Fine, \$150 and costs. (F. & D. No. 7786. I. S. Nos. 10054-1, 19852-1, 19853-1.)

On January 22, 1917, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mangum Cotton Oil Mill Co., a corporation, Mangum, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 11, 1916, and January 13, 1916, from the State of Oklahoma into the State of Iowa, and on or about January 14, 1916, from the State of Oklahoma into the State of Missouri, of quantities of an article labeled in part, "Cotton Seed Meal or" ("and") "Cake," which was misbranded.

Analyses of samples of the article in each shipment by the Bureau of Chemistry of this department showed, respectively, the following results:

	No. 1.	No. 2.	No. 3.
Crude fiber (per cent)-----	-----	-----	14. 8
Total nitrogen (per cent)-----	-----	-----	5. 64
Total ammonia (per cent)-----	7. 21	7. 13	6. 86
Crude protein (per cent)-----	37. 1	36. 6	35. 3

Nos. 1 and 2 contain less ammonia and protein than is declared on the label.

No. 3 contains less ammonia, protein, and nitrogen, and more crude fiber than is declared on the label.

Misbranding of the article in the shipments of January 11 and 13, 1916, was alleged in the information for the reason that the statement borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, to wit, "Guaranteed Analysis * * * Ammonia * * * 8 to 8½% Protein * * * 41 to 43%," was false and misleading in that it represented that said article contained not less than 8 per cent of ammonia and not less than 41 per cent of protein; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 8 per cent of ammonia and not less than 41 per cent of protein, whereas, in truth and in fact, it contained less than 8 per cent of ammonia and less than 41 per cent of protein, to wit, approximately 7.21 (or 7.13) per cent of ammonia and approximately 37.1 (or 36.6) per cent of protein. Misbranding of the article in the shipment of January 14, 1916, was alleged for the reason that the statement regarding it and the ingredients and substances contained therein, borne on the tags attached to the sacks, to wit, "Guaranteed Analysis: Ammonia 8 to 8½ Per cent. Protein 41 to 43 Per cent. Nitrogen 6 to 6½ Per cent. * * * Crude Fiber 8 to 12 Per cent," was false and misleading in that it represented that said article contained not less than 8 per cent of ammonia, not less than 41 per cent of protein, not less than 6 per cent of nitrogen, and not more than 12 per cent of crude fiber; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 8 per cent of ammonia, not less than 41 per cent of protein, not less than 6 per cent of nitrogen, and not more than 12 per cent of crude fiber, whereas, in truth and in fact, said article contained less than 8 per cent of ammonia, less than 41 per cent of protein, less than 6 per cent of nitrogen, and more than 12 per cent of crude fiber, to wit, approximately 6.86 per cent of ammonia, approximately 35.3 per cent of protein, approximately 5.64 per cent of nitrogen, and approximately 14.8 per cent of crude fiber.

On April 4, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$150 and costs.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5328. Adulteration of canned tomatoes. U. S. * * * v. 12 Cases * * * of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7788. I. S. No. 11441-m. S. No. C-575.)

On October 24, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 cases of canned tomatoes, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on October 18, 1916, by W. E. Robinson & Co., Chicago, Ill., and was in the course of transportation from the State of Illinois into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On December 8, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5329. Misbranding of "Prime Cotton Seed Meal and Cake." U. S. * * *
v. F. W. Brode & Co., a corporation. Plea of guilty. Fine, \$50.
 (F. & D. No. 7789. I. S. No. 19742-1.)

On January 5, 1917, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against F. W. Brode & Co., a corporation, Memphis, Tenn., alleging shipment by said company, through its agent, the Warren Cotton Oil & Manufacturing Co., Warren, Ark., in violation of the Food and Drugs Act, on or about February 9, 1916, from the State of Arkansas into the State of Michigan, of a quantity of an article labeled in part, "Prime Cotton Seed Meal and Cake," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Crude fiber (per cent)-----	15.4
Crude protein (per cent)-----	35.9
Total nitrogen (per cent)-----	5.75

The product contains less protein and nitrogen and more fiber than is stated on the label.

Misbranding of the article was alleged in the information for the reason that the statement borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, to wit, "Protein 38.62 to .43 [43]% (Not less than 38.62%) * * * Nitrogen 6 [6.15] to 8 [6.50]% (Not less than 6 [6.15]) * * * Fibre 8 to 12% (Not more than 12%)," was false and misleading in that it represented that said article contained not less than 38.62 per cent of protein, not less than 6.15 per cent of nitrogen, and not more than 12 per cent of fiber; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 38.62 per cent of protein, not less than 6.15 per cent of nitrogen, and not more than 12 per cent of fiber, whereas, in truth and in fact, it contained less than 38.62 per cent of protein, less than 6.15 per cent of nitrogen, and more than 12 per cent of fiber, to wit, approximately 35.9 per cent of protein, approximately 5.75 per cent of nitrogen, and 15.4 per cent of fiber.

On April 5, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5330. Misbranding of cottonseed meal and cake. U. S. * * * v. F. W. Brode & Co., a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 7791. I. S. No. 19745-1.)

On January 5, 1917, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against F. W. Brode & Co., a corporation, Memphis, Tenn., alleging shipment by said company, through its agent, Union Seed & Fertilizer Co., Pine Bluff, Ark., in violation of the Food and Drugs Act, on or about December 10, 1915, from the State of Arkansas into the State of Michigan, of a quantity of an article labeled in part, "Equity Brand Cotton Seed Meal and Cake," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Crude fiber (per cent)-----	16.0
Crude protein (per cent)-----	33.3
Total nitrogen (per cent)-----	5.33
Total ammonia (per cent)-----	6.48

The product contains less ammonia, protein, and nitrogen, and more crude fiber than is stated on the label.

Misbranding of the article was alleged in the information for the reason that the statement borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, to wit, "Guaranteed Analysis: Ammonia not less than 8% Protein not less than 41% Nitrogen not less than $6\frac{1}{2}$ % Crude fiber not more than 10%," was false and misleading in that it represented that said article contained not less than 8 per cent of ammonia, not less than 41 per cent of protein, not less than $6\frac{1}{2}$ per cent of nitrogen, and not more than 10 per cent of crude fiber; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 8 per cent of ammonia, not less than 41 per cent of protein, not less than $6\frac{1}{2}$ per cent of nitrogen, and not more than 10 per cent of crude fiber, whereas, in truth and in fact, it contained less than 8 per cent of ammonia, less than 41 per cent of protein, less than $6\frac{1}{2}$ per cent of nitrogen, and more than 10 per cent of crude fiber, to wit, approximately 6.48 per cent of ammonia, approximately 33.3 per cent of protein, approximately 5.33 per cent of nitrogen, and approximately 16.0 per cent of crude fiber.

On April 5, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

° R. A. PEARSON, *Acting Secretary of Agriculture.*

5331. Adulteration of prunes. U. S. * * * v. 1,000 Boxes of Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7792. I. S. No. 1271-m. S. No. E-713.)

On October 23, 1916, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 boxes, each containing 55 pounds of prunes, remaining unsold in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped on or about April 19, 1916, by George N. Herbert, San Jose, Cal., and was being transported from the State of California into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "* * * Santa Clara Valley Prunes * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed vegetable substance.

On November 17, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5332. Adulteration of mussels. U. S. * * * v. 2 Boxes of Mussels. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7797. I. S. Nos. 21535-m, 21537-m. S. No. W-148.)

On October 25, 1916, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of two boxes of mussels, consigned by the San Juan Fishing & Packing Co., Seattle, Wash., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about October 13, 1916, and transported from the State of Washington into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance.

On December 4, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5333. Adulteration of canned apples. U. S. * * * v. 72 Cases of Canned Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7798. I. S. No. 2941-m. S. No. E-716.)

On October 24, 1916, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 72 cases of canned apples, consigned on or about August 2, 1916, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Armour & Co., East Liverpool, Ohio, and transported from the State of Ohio into the State of Maryland, and alleging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fawn Grove Brand Apples * * * Packed for Jas. T. Smith, Fawn-grove, Pa."

Adulteration of the article was alleged in the libel for the reason that a large proportion of the cans were swells and leakers, and the product contained therein was decomposed.

On December 7, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5334. Adulteration of evaporated apples. U. S. * * * v. 184 Barrels * * * of Evaporated Apples. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7804. I. S. No. 10608-m. S. No. C-577.)

On October 27, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 184 barrels of evaporated apples, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on September 20, 1916, by Hartmann & Co., Rochester, N. Y., and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On January 12, 1917, Otto Hartmann, trading as Hartmann & Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the portion, found in the judgment of the proper representative of this department to be fit to enter a manufactured food product, should be delivered to said claimant, and the portion found to be fit for the manufacture of vinegar, but not fit for the manufacture of any other food product, should be delivered to said claimant to be manufactured into vinegar.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5335. Adulteration of oats. U. S. * * * v. 1 Carload of Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7807. I. S. Nos. 10610-m, 10613-m. S. No. C-576.)

On October 31, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 carload of oats, remaining unsold and unloaded from the car at Matteson, Ill., alleging that the article had been shipped on October 13, 1916, by Taylor & Bournique Co., Milwaukee, Wis., and was being transported from the State of Wisconsin into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that wild oats, barley, wheat, rye, corn, chaff, dust, and small weed seeds had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article.

On November 8, 1916, the said Taylor & Bournique Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that said article should not be disposed of nor sold, invoiced, nor reshipped, except as oats and screenings.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5336. Adulteration of oats. U. S. * * * v. 2 Carloads of Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7809. I. S. Nos. 1414-m, 1415-m. S. No. E-726.)

On October 28, 1916, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 carloads of oats, remaining unsold and unloaded from the cars at Baltimore, Md., alleging that the article had been shipped by Donahue, Stratton & Co., Milwaukee, Wis., and transported from the State of Wisconsin into the State of Maryland, the shipment having arrived on October 26, 1916, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it contained a large percentage of foreign matter, to wit, wild oats, other grains, weed seeds, dust, and chaff, which had been mixed with and substituted for oats, the approximate percentage of adulteration being from 15 to 16 per cent.

On November 1, 1916, John T. Fahey & Co., Baltimore, Md., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant for cleaning of all foreign matter from said oats, under the supervision of a representative of the Bureau of Chemistry, upon the payment of the costs of the proceedings and all expenses incident to said cleaning and the execution of a bond in the sum of \$10,000, in conformity with section 10 of the act.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5337. Adulteration of tomatoes. U. S. * * * v. 100 Cases of Tomatoes. Default decree of condemnation and forfeiture. Product ordered sold or destroyed. (F. & D. No. 7812. I. S. No. 1717-m. S. No. E-724.)

On October 30, 1916, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, each containing 2 dozen cans of tomatoes, remaining unsold in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped on or about August 10, 1916, by the Webster-Butterfield Co. (Inc.), Baltimore, Md., and transported from the State of Maryland into the State of Connecticut, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Southern Queen Brand Tomatoes Packed by Webster-Butterfield Co. Incorporated, Baltimore, Md. U. S. A. * * *."

Adulteration of the article was alleged in the libel for the reason that it was mixed and packed with added water, which had been substituted in part for said article so as to reduce and lower and injuriously affect its quality and strength.

On January 5, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article should be sold by the United States marshal, or if not sold, destroyed.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5338. Adulteration and misbranding of vinegar. U. S. * * * v. 35 Barrels * * * of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7813. I. S. No. 11440-m. S. No. C-581.)

On October 31, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 35 barrels of vinegar, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on September 27, 1916, by the Allegan Cider & Vinegar Co., Allegan, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "Pure Apple Vinegar Reduced to 45 gr."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar or dilute acetic acid had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article.

Misbranding was alleged for the reason that the statement appearing on the barrels, to wit, "Pure Apple Vinegar Reduced to 45 gr.," was false and misleading in that it represented to the purchaser that the article consisted of pure apple vinegar reduced in strength as aforesaid, whereas, in truth and in fact, a distilled vinegar, or dilute acetic acid, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the further reason that said statement deceived and misled the purchaser into the belief that the article was a pure apple vinegar reduced in strength as aforesaid, whereas, in truth and in fact, it was an imitation of pure apple vinegar and was offered for sale under the distinctive name of another article, to wit, pure apple vinegar.

On December 8, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, Acting Secretary of Agriculture.

5339. Misbranding of cottonseed meal. U. S. * * * v. Tecumseh Oil & Cotton Co., a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 7815. I. S. No. 19971-1.)

On January 22, 1917, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tecumseh Oil & Cotton Co., a corporation, doing business at Tecumseh, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 20, 1916, from the State of Oklahoma into the State of Iowa, of a quantity of an article labeled in part, "Imperial Cotto Brand Choice Cotton Seed Meal," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Ether extract (per cent)-----	6.80
Crude fiber (per cent)-----	12.25
Protein (per cent)-----	37.57
Nitrogen (per cent)-----	6.00
Ammonia (per cent)-----	7.30

The result of this examination indicates that the product is low in protein, nitrogen, ammonia, and fat, and high in crude fiber.

Misbranding of the article was alleged in the information for the reason that the statement, to wit:

"Guaranteed Analysis	Not less than
"Ammonia-----	8.00%
"Nitrogen-----	6.50%
"Protein-----	41.00% to 45.00%
"Crude Fat-----	8.00%
"Crude Fiber. (Maximum)-----	9.00%,"

borne on the tags attached to the sacks, regarding the article and the ingredients contained therein, was false and misleading in that it represented that said article contained not less than 8 per cent of ammonia, not less than 6.50 per cent of nitrogen, not less than 41 per cent of protein, not less than 8 per cent of crude fat, and not more than 9 per cent of crude fiber; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 8 per cent of ammonia, not less than 6.50 per cent of nitrogen, not less than 41 per cent of protein, not less than 8 per cent of crude fat, and not more than 9 per cent of crude fiber, whereas, in truth and in fact, it contained less than 8 per cent of ammonia, less than 6.50 per cent of nitrogen, less than 41 per cent of protein, less than 8 per cent of crude fat, and more than 9 per cent of crude fiber, to wit, approximately 7.30 per cent of ammonia, approximately 6.0 per cent of nitrogen, approximately 37.57 per cent of protein, 6.80 per cent of crude fat, and approximately 12.25 per cent of crude fiber.

On January 30, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5340. Adulteration of butter. U. S. * * * v. 5 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7819. I. S. No. 1059-m. S. No. E-727.)

On October 31, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 tubs of butter, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Robins & Co., Baltimore, Md., and transported from the State of Maryland into the State of New York, the shipment having been received on or about October 20, 1916, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, putrid, and decomposed animal substance, to wit, rancid and adulterated butter.

On November 22, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5341. Adulteration of canned vegetables. U. S. * * * v. 7 Cases of Canned Vegetables. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7823. S. No. E-728.)

On November 2, 1916, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cases of canned vegetables, consigned on or about January 15, 1916, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Franklin MacVeagh & Co., Chicago, Ill., and transported from the State of Illinois into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that the cans containing it consisted largely of rusty, cut, and swelled cans; and for the further reason that the product contained in said cans was decomposed.

On December 7, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, Acting Secretary of Agriculture.

5342. Adulteration of chestnuts. U. S. * * * v. 9 Bags * * * of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7828. I. S. No. 2014-m. S. No. E-720.)

On October 20, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 bags of wormy and moldy chestnuts, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Joseph Wallerstein, Stuart, Va., and transported from the State of Virginia into the State of New York, the shipment having been received on or about October 20, 1916, and charging adulteration in violation of the Food and Drugs Act.

It was charged in substance in the libel that the article was adulterated for the reason that it consisted in part, of a filthy, decomposed, and putrid vegetable substance, to wit, wormy and moldy chestnuts.

On November 9, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

**5343. Adulteration of chestnuts. U. S. * * * v. 9 Bags of Chestnuts.
Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 7829. I. S. No. 2817-m. S. No. E-731.)**

On October 27, 1916, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information for the seizure and condemnation of 9 bags of chestnuts, having been transported October 16, 1916, and remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by H. A. Littlefield & Co., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel of information for the reason that it consisted in part of a filthy, putrid, and decomposed animal [vegetable] substance.

On December 2, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5344. Adulteration of chestnuts. U. S. * * * v. 21 Bags of * * * Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7830. I. S. No. 2018-m. S. No. E-732.)

On October 25, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 21 bags of wormy and moldy chestnuts, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about October 24, 1916, by Joseph Wallerstein, Stuart, Va., and transported from the State of Virginia into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

It was charged in substance in the libel that the article was adulterated for the reason that it consisted in part, of a filthy, decomposed, and putrid vegetable substance, to wit, wormy and moldy chestnuts.

On November 14, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5345. Adulteration of chestnuts. U. S. * * * v. 5 Bags of * * * Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7831. I. S. No. 2019-m. S. No. E-733.)

On October 25, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 bags of wormy and moldy chestnuts, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about October 24, 1916, by L. G. Cockram, Vesta, Va., and transported from the State of Virginia into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

It was charged in substance in the libel that the article was adulterated for the reason that it consisted in part, of a filthy, decomposed, and putrid vegetable substance, to wit, wormy and moldy chestnuts.

On November 14, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5346. Adulteration of chestnuts. U. S. * * * v. 3 Bags of * * * Chestnuts. Default decree of condemnation, forfeiture, and destruction. F. & D. No. 7832. I. S. No. 2020-m. S. No. E-734.)

On October 25, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 bags of wormy and moldy chestnuts, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about October 24, 1916, by C. T. Page, Crozet, Va., and transported from the State of Virginia into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

It was charged in substance in the libel that the article was adulterated for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance, to wit, wormy and moldy chestnuts.

On November 14, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5347. Adulteration of chestnuts. U. S. * * * v. 7 Bags of * * * Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7833. I. S. No. 2021-m. S. No. E-735.)

On October 25, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 bags of wormy and moldy chestnuts, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by S. A. Hennis & Co., Mount Airy, N. C., and transported from the State of North Carolina into the State of New York, the shipment having been received on or about October 25, 1916, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance, to wit, wormy and moldy chestnuts.

On November 14, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5348. Adulteration of chestnuts. U. S. * * * v. 4 Bags of Chestnuts. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 7834. I. S. No. 2022-m. S. No. E-736.)

On October 26, 1916, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 bags of chestnuts, remaining unsold in the original unbroken packages at Newark, N. J., alleging that the article had been shipped on or about October 23, 1916, by Wells & Robinson, Thomas, Tenn., and transported from the State of Tennessee into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that 47 per cent of said chestnuts were wormy and moldy.

On November 17, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

5349. Adulteration of tomato pulp. U. S. * * * v. Oliver P. Roberts, James H. Roberts, William H. Roberts, Morris R. Roberts, and James O. Langrall (Roberts Bros.). Plea of guilty. Fine, \$10. (F. & D. No. 7841. I. S. No. 11133-1.)

On February 16, 1917, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Oliver P. Roberts, James H. Roberts, William H. Roberts, Morris R. Roberts, and James O. Langrall, copartners, doing business as Roberts Bros., Baltimore, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 21, 1915, from the State of Maryland into the State of Texas, of a quantity of an article labeled in part, "Big R Brand Tomato Pulp," which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to be a partially decomposed vegetable product.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On February 16, 1917, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10.

R. A. PEARSON, Acting Secretary of Agriculture.

5350. Adulteration of tomatoes. U. S. * * * v. 291 Cases of Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7842. I. S. No. 1058-m. S. No. E-743.)

On November 13, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 291 cases, each containing 6 cans of tomatoes, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on September 7, 1916, by S. H. Levin's Sons, Bridgeton, N. J., and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance, to wit, fermented and decomposed tomatoes.

On December 18, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*

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United States Department of Agriculture,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

SERVICE AND REGULATORY ANNOUNCEMENTS. SUPPLEMENT.

N. J. 5351-5400.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 22, 1918.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

5351. Adulteration of prunes. U. S. * * * v. 260 Boxes * * * of Prunes.
Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 7846. I. S. No. 11623-m. S. No. C-584.)

On November 13, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 260 boxes of prunes, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on August 4, 1916, by Rosenberg Bros. & Co., San Francisco, Cal., and transported from the State of California into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance; and for the further reason that it consisted in part of a filthy vegetable substance.

On January 27, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5352. Adulteration of shell eggs. U. S. * * * v. 6 Cases * * * of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7848. I. S. No. 11033-m. S. No. C-582.)

On November 3, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 cases, each containing 30 dozen shell eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on October 27, 1916, by Swift & Co., Hammond, Ind., and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy animal substance; for the further reason that it consisted in part of a decomposed animal substance; and for the further reason that it consisted in part of a putrid animal substance.

On December 8, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5353. Adulteration and misbranding of olive oil. U. S. * * * v. 3 Cases of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7852. I. S. No. 2968-m. S. No. E-747.)

On November 15, 1916, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 cases of olive oil, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Italian Importing Co., Elizabeth, N. J., and transported from the State of New Jersey into the State of Maryland, the shipment having been received on or about October 7, 1916, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Finest quality olive oil Extra Pure * * * Guaranteed Absolutely Pure."

Adulteration of the article was alleged in the libel for the reason that it consisted of more than 50 per cent of cottonseed oil, which had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for said article.

Misbranding was alleged for the reason that the article was labeled and branded so as to deceive and mislead the purchaser; and for the further reason that its label contained statements which were false and misleading; and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, pure olive oil.

On January 31, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5354. Adulteration of tomatoes. U. S. * * * v. 360 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7853. I. S. No. 2820-m. S. No. E-748.)

On November 16, 1916, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 360 cases of canned tomatoes, remaining unsold in the original unbroken packages at Providence, R. I., alleging that the article had been shipped on or about October 29, 1916, by W. E. Robinson & Co., Waterview, Va., and transported from the State of Virginia into the State of Rhode Island, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it contained 15 per cent added water, which had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

On February 24, 1917, James O. Powell, Waterview, Va., claimant, filed an answer denying the allegations in the libel, but on the production of affidavits, by the Government, supporting said allegations, he submitted to judgment, and on the same date a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5355. Adulteration of tomatoes. U. S. * * * v. 1,000 Cases of Canned Tomatoes. * * * Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 7855. I. S. No. 6250-m. S. No. E-749.)

On November 15, 1916, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 cases of canned tomatoes, remaining unsold in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped on or about November 8, 1916, by the Waterview Packing Co., Waterview, Va., and were being transported from the State of Virginia into the Dominion of Canada, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of added water in such quantities as to lower and injuriously affect its quality and strength.

On December 18, 1916, a decree of condemnation and forfeiture having been entered on December 12, 1916, and the said Waterview Packing Co., claimant, having paid the costs of the proceedings and executed a bond in the sum of \$2,000, in conformity with section 10 of the act, it was ordered by the court that the product should be released to said claimant.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5356. Adulteration of canned sweet potatoes. U. S. * * * v. Leon H. Schwab. Plea of guilty. Fine, \$25. (F. & D. No. 7858. I. S. No. 1850-1.)

On January 25, 1917, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Leon H. Schwab, Baltimore, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about January 30, 1916, from the State of Maryland into the State of Virginia, of a quantity of canned sweet potatoes, which were adulterated. The article was labeled in part: "Gelco Brand Sweet Potatoes * * *" or "Hector Brand Sweet Potatoes * * *."

Analysis of samples of the article by the Bureau of Chemistry of this department showed that of 17 cans examined, 7 were swells, 3 cans had been broken open by pressure of gas, and the contents were escaping. The 7 which were not swells looked fairly representative of the good cans. Of these 7 cans, 3 were unmistakably foul and decomposed. The tin of one of these three was almost entirely eaten away, and the inside of the can was rust covered. Three cans of the seven might be considered passable.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On January 25, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

CARL VROOMAN, Acting Secretary of Agriculture.

5357. Adulteration and misbranding of cottonseed meal. U. S. * * * v. Southland Cotton Oil Co., a corporation. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 7859. I. S. No. 19851-L.)

On February 15, 1917, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Southland Cotton Oil Co., a corporation, doing business at Chandler, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 11, 1916, from the State of Oklahoma into the State of Iowa, of a quantity of an article labeled in part: "Cotton Seed Meal," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Ether extract (per cent)-----	7.35
Crude fiber (per cent)-----	14.65
Crude protein (per cent)-----	32.06
Total ammonia (per cent)-----	6.24

The product is deficient in protein.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed hulls, had been mixed and packed with the article so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for cottonseed meal which the article purported to be.

Misbranding was alleged for the reason that the statement borne on the tags attached to the sacks, to wit, "Cotton Seed Meal," was false and misleading in that it represented that said article consisted exclusively of cottonseed meal; and for the further reason that it was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it consisted exclusively of cottonseed meal, whereas, in truth and in fact, it did not, but consisted of a mixture of cottonseed meal and cottonseed hulls.

On February 19, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$200 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5358. Misbranding of Owl Brand * * * pure cottonseed meal. U. S. * * * v. Union Seed & Fertilizer Co., a corporation. Plea of guilty. Fine, \$50. (E. & D. No. 7860. I. S. No. 19726-1.)

On January 19, 1917, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Union Seed & Fertilizer Co., a corporation, doing business at Pine Bluff, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 4, 1915, from the State of Arkansas into the State of Michigan, of a quantity of an article labeled in part: "Owl Brand * * * Pure Cotton Seed Meal," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Crude fiber (per cent)-----	15.7
Crude protein (per cent)-----	32.4
Total nitrogen (per cent)-----	5.18
Total ammonia (per cent)-----	6.30

The product contains less ammonia, less protein, less nitrogen, and more fiber than it is labeled to contain.

Misbranding of the article was alleged in the information for the reason that the statement borne on the tags attached to the sacks, to wit, "Guaranteed Analysis * * * Ammonia . . 8 to 8½%, Protein . . . 41 to 43% * * * Nitrogen . . . 6½ to 7½%, Fibre . . . 10%," regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 8 per cent of ammonia, not less than 41 per cent of protein, not less than 6½ per cent of nitrogen, and not more than 10 per cent of fiber; and for the further reason that the article was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it contained not less than 8 per cent of ammonia, not less than 41 per cent of portein, not less than 6½ per cent of nitrogen, and not more than 10 per cent of fiber, whereas, in truth and in fact, it contained less than 8 per cent of ammonia, less than 41 per cent of protein, less than 6½ per cent of nitrogen, and more than 10 per cent of fiber, to wit, approximately 6.30 per cent of ammonia, approximately 32.4 per cent of protein, approximately 5.18 per cent of nitrogen, and approximately 15.7 per cent of fiber.

On April 5, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5359. *Adulteration and misbranding of "Ideal Choc. Candy Cigars."* U. S. * * * v. *Ideal Cocoa & Chocolate Co., a corporation. Plea of guilty. Fine, \$50.* (F. & D. No. 7863. I. S. No. 4544-1.)

On March 9, 1917, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ideal Cocoa & Chocolate Co., a corporation, Lititz, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 5, 1916, from the State of Pennsylvania into the State of West Virginia, of a quantity of an article labeled in part: "Ideal Choc. Candy Cigars," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Fat (per cent)-----	22.3
Sucrose (per cent)-----	62.2
Crude fiber (per cent)-----	1.25
Ash (per cent)-----	1.26

Examination shows the product to contain an excessive amount of cacao shells.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cacao shells, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in whole or in part for chocolate candy cigars, which the article purported to be.

Misbranding was alleged for the reason that the statements, borne on the package, regarding the article and the ingredients and substances contained therein, to wit, "Choc. Candy Cigars," and "Chocolates," were false and misleading in that they represented that it consisted wholly of, to wit, chocolate and sugar, whereas, in truth and in fact, it did not, but consisted of, to wit, a mixture of cacao shells, sugar, and chocolate. Misbranding was alleged for the further reason that the article was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it consisted wholly of, to wit, chocolate and sugar, whereas, in truth and in fact, it did not, but consisted of, to wit, a mixture of cacao shells, sugar, and chocolate. Misbranding was alleged for the further reason that the article was a mixture composed of cacao shells, sugar, and chocolate, and was an imitation of and offered for sale under the distinctive name of another article, to wit, chocolates.

On March 16, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5360. Adulteration and misbranding of almond paste. U. S. * * * v. Spencer Importing Co., Inc., a corporation. Plea of guilty. Fine, \$10. (F. & D. No. 7866. I. S. No. 3470-k.)

On March 7, 1917, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Spencer Importing Co., Inc., a corporation, New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on February 3, 1915, from the State of New York into the State of Massachusetts, of a quantity of an article labeled in part: "Almond Paste," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained apricot tissues.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, apricot kernel paste, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for pure almond paste, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Almond Paste," borne on the label attached to the box containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it indicated that said article consisted wholly of pure almond paste; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of pure almond paste, whereas, in truth and in fact, it did not, but consisted of, to wit, a mixture of apricot kernel paste and almond paste; and for the further reason that it was, to wit, a mixture of apricot kernel paste and almond paste and was an imitation of and offered for sale under the distinctive name of another article, to wit, almond paste.

On April 20, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5361. Adulteration and misbranding of almond paste. U. S. * * * v. Spencer Importing Co., Inc., a corporation. Plea of guilty. Fine, \$10. (F. & D. No. 7867. I. S. No. 2610-k.)

On March 7, 1917, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Spencer Importing Co., Inc., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on January 14, 1915, from the State of New York into the State of Pennsylvania, of a quantity of an article labeled in part: "Pure Almond Paste," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the presence of apricot tissue.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, apricot kernel paste, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for pure almond paste, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Pure Almond Paste," borne on the label attached to the cans, regarding the article and the ingredients and substances contained therein, was false and misleading in that it indicated that said article consisted wholly of pure almond paste; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of pure almond paste, whereas, in truth and in fact, it did not, but consisted of, to wit, a mixture of apricot kernel paste and almond paste; and for the further reason that it was, to wit, a mixture of apricot kernel paste and almond paste, and was an imitation of and offered for sale under the distinctive name of another article, to wit, pure almond paste.

On April 20, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5362. Misbranding of cottonseed meal or cake. U. S. * * * v. Apache Cotton Oil & Manufacturing Co., a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 7868. I. S. Nos. 16061-1, 19970-1.)

On January 29, 1917, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Apache Cotton Oil & Manufacturing Co., a corporation, Chickasha, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, from the State of Oklahoma into the State of Iowa, on or about February 23, 1916, (2 shipments) of an article labeled in part: "Cotton Seed Meal or Cake," which was misbranded.

Analyses of samples of the article in each shipment by the Bureau of Chemistry of this department showed the following results:

	No. 1.	No. 2.
Crude fiber (per cent)-----	12.79	11.74
Protein (per cent)-----	37.25	37.44

The above analyses shows that the protein content is less and the crude fiber higher than the guaranty.

It was charged in substance in the information that the article was misbranded for the reason that the statement, borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, to wit, "Guaranteed Analysis. Protein 38.42% " (or "42% ") " * * * Crude Fiber 11% " (or "9½% "), was false and misleading in that it represented that said article contained not less than 38.42 per cent (or 42 per cent) of protein and not more than 11 per cent (or 9½ per cent) of crude fiber; and for the further reason that the article was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it contained not less than 38.42 per cent (or 42 per cent) of protein, and not more than 11 per cent (or 9½ per cent) of crude fiber, whereas, in truth and in fact, it contained, approximately 37.25 per cent (or 37.44 per cent) of protein, and 12.79 per cent (or 11.74 per cent) of crude fiber.

On February 28, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5363. Adulteration of butter. U. S. * * * v. 20 Tubs and 14 Pails * * * of Butter. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7872. I. S. No. 11625-m. S. No. C-585.)

On November 23, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 tubs and 14 pails of butter, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on October 25, 1916, by the Abrahams Fur and Produce Co., Green Bay., Wis., and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance; and for the further reason that it consisted in part of a filthy animal substance.

On January 29, 1917, the said Abrahams Fur & Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the article should be denatured, by adding thereto a sufficient quantity of kerosene, under the supervision of a food and drug inspector of this department.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5364. Adulteration of white groats. U. S. * * * v. Benjamin Kaufman, David H. Kaufman, Jacob Kaufman, and Julius Kaufman (Benjamin Kaufman & Sons). Pleas of guilty. Fine, \$25. (F. & D. No. 7873. I. S. No. 9351-1.)

On May 10, 1917, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Benjamin Kaufman, David H. Kaufman, Jacob Kaufman, and Julius Kaufman, copartners, trading as Benjamin Kaufman & Sons, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on November 5, 1915, from the State of New York into the State of Rhode Island, of a quantity of an article, invoiced as white groats, which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 10 per cent of corn.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, corn, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in whole or in part for white groats, which the article purported to be.

On May 14, 1917, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5365. Misbranding of cottonseed meal or cake. U. S. * * * v. Richard K. Wootten and Edward C. Burton (Wootten-Burton Sales Co.). Pleas of guilty. Fine, \$25 and costs. (F. & D. No. 7875. I. S. No. 19870-L.)

On January 6, 1917, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Richard K. Wootten and Edward C. Burton, copartners, trading as Wootten-Burton Sales Co., Chickasha, Okla., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about March 14, 1916, from the State of Oklahoma into the State of Iowa, of a quantity of an article labeled in part: "Choice Cotton Seed Meal or Cake," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Crude fiber (per cent)-----	13.1
Protein (per cent)-----	38.8

The results of analysis show that the product contains less protein and more fiber than is declared on the label.

Misbranding of the article was alleged in substance in the information for the reason that the statement borne on the tags attached to the sacks, to wit, "* * * Wootten-Burton Sales Co., * * * hereby certifies * * * the following chemical analysis: Crude Protein * * * not less than * * * 41 to 43 per cent * * * Crude Fiber * * * not more than * * * 10½ to 12 per cent," regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that said article contained not less than 41 per cent of crude protein and contained not more than 12 per cent of crude fiber; and for the further reason that the article was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of crude protein and not more than 12 per cent of crude fiber, whereas, in truth and in fact, it contained, approximately 38.8 per cent of crude protein, and approximately 13.1 per cent of crude fiber.

On April 5, 1917, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5366. Adulteration and misbranding of olive oil. U. S. * * * v. 2 Cases of Olive Oil * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7876. I. S. No. 2972-m. S. No. E-755.)

On November 24, 1916, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cases of olive oil, consigned on or about October 2, 1916, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Italian Importing Co., Elizabeth, N. J., and transported from the State of New Jersey into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Finest quality olive oil * * * Guaranteed absolutely pure * * * $\frac{1}{2}$ Gallon Net" (or "1 Gallon Net").

Adulteration of the article was alleged in the libel for the reason that it consisted of more than 70 per cent cottonseed oil, which had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article.

Misbranding was alleged for the reason that the article was labeled and branded so as to deceive and mislead the purchaser; and for the further reason that the label contained statements which were false and misleading; and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, that is, pure olive oil; and for the further reason that examination of the article showed a shortage of 6 per cent from the marked quantity.

On January 22, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5367. Adulteration and misbranding of olive oil. U. S. * * * v. 4 Cases of Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7877. I. S. Nos. 2974-m, 2975-m. S. No. E-756.)

On November 27, 1916, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases of olive oil, received on or about November 15, 1916, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Italian Importing Co., Elizabeth, N. J., and transported from the State of New Jersey into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Finest quality Olive Oil Extra Pure * * * $\frac{1}{4}$ Gallon Net" (or " $\frac{1}{2}$ Gallon Net" or "Net Contents Full Gallon").

Adulteration of the article was alleged in the libel for the reason that it consisted of about 75 per cent of cottonseed oil which had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article.

Misbranding of the article was alleged for the reason that it was labeled and branded so as to deceive and mislead the purchaser; for the further reason that the label contained statements which were false and misleading; for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, pure olive oil; and for the further reason that examination of the article showed a shortage of 10 per cent from the marked quantity.

On December 22, 1916, I. Papania, Baltimore, Md., claimant, having entered his appearance and filed an answer, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that the article should be carefully assorted, and that the portion found free of adulteration might be disposed of for human consumption, and that the portion found to be adulterated should not be disposed of in any manner unless marked, "Mixed with Cotton Seed Oil."

CARL VROOMAN, *Acting Secretary of Agriculture.*

5368. Adulteration and misbranding of olive oil. U. S. * * * v. 24 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7878. I. S. No. 3330-m. S. No. E-757.)

On November 27, 1916, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 cans of olive oil, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Italian Importing Co., Elizabeth, N. J., and transported from the State of New Jersey into the State of Maryland, the shipment having been received on or about August 12, 1916, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "First pressing Cream Olive Oil Vergine This olive oil is guaranteed to be absolutely pure and is made from the finest selected olives grown on the Italian Riviera. * * *" and "One Quart Full Measure Guaranteed" (in the case of the quart-size cans).

Adulteration of the article was alleged in the libel for the reason that it consisted of about 75 per cent cottonseed oil, which had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for said article.

Misbranding was alleged for the reason that the article was labeled and branded so as to deceive and mislead the purchaser; for the further reason that the label contained statements which were false and misleading; for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, pure olive oil; and for the further reason that examination showed a shortage of 11 per cent from the marked quantity.

On January 22, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5369. Adulteration and misbranding of vinegar. U. S. * * * v. Edward P. Sheehan (Sheehan Bros.). Plea of nolo contendere. Fine, \$50. (F. & D. No. 7881. I. S. No. 4358-L.)

On February 7, 1917, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edward P. Sheehan, trading as Sheehan Bros., Littleton, Mass., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about October 26, 1915, from the State of Massachusetts into the State of Maine, of a quantity of an article labeled in part, "Pure Cider Vinegar * * * made from fresh apple juice Sheehan Bros., Littleton, Mass.," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (gram per 100 c c)	0.12
Glycerol (gram per 100 c c)	0.16
Solids (grams per 100 c c)	1.59
Nonsugar solids (grams per 100 c c)	1.04
Reducing sugar after evaporation (gram per 100 c c)	0.55
Ash (gram per 100 c c)	0.28
Ash in nonsugar solids (per cent)	26.9
Acidity as acetic (grams per 100 c c)	4.08

Above analysis indicates added water and mineral matter in the vinegar.

Adulteration of the article was alleged in the information for the reason that substances, to wit, water and mineral matter, had been mixed and packed with the article so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for a pure cider vinegar, which the article purported to be.

Misbranding was alleged for the reason that the statement borne on the barrel, to wit, "Pure Cider Vinegar," regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was pure cider vinegar; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure cider vinegar, whereas, in truth and in fact, it was not, but was a product composed in part of water and added mineral matter.

On March 5, 1917, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5370. Adulteration of canned apples. U. S. * * * v. 95 Cases of Canned Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7884. S. No. E-758.)

On November 28, 1916, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 95 cases of canned apples, consigned on or about July 21, 1916, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by W. E. Robinson & Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fawn Grove Brand Apples * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On January 15, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5371. Adulteration and misbranding of vinegar. U. S. * * * v. 12 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7888. I. S. No. 11234-m. S. No. C-589.)

On November 29, 1916, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 barrels of vinegar, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped on or about September 11, 1916, by Robinson Cider & Vinegar Co., Benton Harbor, Mich., and transported from the State of Michigan into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Robinson Cider & Vinegar Co., Benton Harbor, Mich. Pure apple vinegar 4 acetic acid guaranteed 4 per centum."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar or dilute acetic acid had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for cider vinegar.

It was alleged in substance in the libel that the article was misbranded for the reason that the label on each of the barrels bore a statement regarding the article which indicated that it was cider vinegar, which said statement was false and misleading and such as to deceive and mislead the purchaser into the belief that the article was cider vinegar, when, in truth and in fact, it was not, but, in truth and in fact, distilled vinegar or dilute acetic acid had been mixed and packed with said vinegar. It was further alleged that the article was an imitation of cider vinegar, and was offered for sale under the distinctive name of cider vinegar, whereas, in truth and in fact, it was not cider vinegar, but was a mixture in which distilled vinegar or dilute acetic acid had been mixed and packed with the said vinegar.

On February 17, 1917, John Robinson, doing business as the Robinson Cider & Vinegar Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it appearing that the article might be relabeled in such manner as to render its shipment not unlawful, it was ordered by the court that the product be redelivered to said claimant, upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5372. Adulteration and misbranding of vinegar. U. S. * * * v. 80 Barrels * * * of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7889. I. S. No. 11629-m. S. No. C-588.)

On November 29, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, a libel for the seizure and condemnation of 80 barrels of vinegar, remaining unsold in the original unbroken packages at Aurora, Ill., alleging that the article had been shipped on October 20, 1916, by the Robinson Cider & Vinegar Co., Benton Harbor, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "Pure Apple Vinegar 4% Acetic Acid."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar or dilute acetic acid had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article.

Misbranding was alleged for the reason that the statement appearing on the barrels, to wit, "Pure Apple Vinegar 4% Acetic Acid," was false and misleading in that it represented to the purchaser that the article consisted of pure apple vinegar reduced in strength as aforesaid, whereas, in truth and in fact, a distilled vinegar, or dilute acetic acid, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; and for the further reason that said statement deceived and misled the purchaser into the belief that the article was a pure apple vinegar, reduced in strength as aforesaid, whereas, in truth and in fact, it was an imitation of pure apple vinegar, and was offered for sale under the distinctive name of another article, to wit, pure apple vinegar.

On January 10, 1917, John Robinson, doing business as the Robinson Cider & Vinegar Co., having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the article should be relabeled as imitation cider vinegar.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5373. Adulteration and misbranding of vinegar. U. S. * * * v. 110 Barrels * * * of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7890. I. S. Nos. 11627-m, 11628-m. S. No. C-587.)

On December 1, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 110 barrels of vinegar, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on October 8 and 29, 1916, by the Robinson Cider & Vinegar Co., Benton Harbor, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that distilled vinegar or dilute acetic acid had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article; and for the further reason that the article had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement on the barrels, to wit, "Charm" (or "Queen" or "Tolmo") "Brand Cider Vinegar Reduced to 4" (or "4½" or "5") "Percent Acid Strength," was false and misleading in that it represented to the purchaser that the article consisted of pure cider vinegar reduced in strength as aforesaid, whereas, in truth and in fact, a distilled vinegar or dilute acetic acid had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; and for the further reason that said statement deceived and misled the purchaser into the belief that the article was a pure cider vinegar reduced in strength as aforesaid, whereas, in truth and in fact, it was an imitation of pure cider vinegar and was offered for sale under the distinctive name of another article, to wit, cider vinegar.

On January 10, 1917, John Robinson, doing business as the Robinson Cider & Vinegar Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the article should be labeled as imitation cider vinegar.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5374. Adulteration of tomatoes. U. S. * * * v. 1,073 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7891. I. S. No. 6258-m. S. No. E-761.)

On November 29, 1916, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,073 cases of canned tomatoes, remaining unsold in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped on November 22, 1916, by C. W. Baker Sons, Waterview, Va., and were being transported from the State of Virginia into the Dominion of Canada, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted of added water in part, in such quantities as to lower and injuriously affect its quality and strength.

On December 12, 1916, the Waterview Packing Co., Waterview, Va., claimant, having filed its answer, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act.

CARL VROOMAN, Acting Secretary of Agriculture.

5375. Adulteration of butter. U. S. * * * v. 9 Barrels of Butter. Tried to the court and a jury. Verdict for Government. Decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7893. I. S. No. 2531-m. S. No. E-763.)

On December 2, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 barrels, each containing 225 pounds of butter, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about November 15, 1916, by the C. G. Anderson Produce Co., Knoxville, Tenn., and transported from the State of Tennessee into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, to wit, moldy, rancid, filthy, and decomposed butter; and for the further reason that floor sweepings and chicken feathers had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength; and for the further reason that the article contained added poisonous and other added deleterious ingredients, to wit, floor sweepings and chicken feathers, which rendered it injurious to health.

On April 6, 1917, the case came on for trial before the court and a jury of one, in accordance with the stipulations of the parties, and after the presentation of evidence the case was submitted to the jury, and a verdict was returned in favor of the Government by direction of the court, the claimants, Samuel K. Cohen and Jacob Cohen, doing business under the name of the New York Butter Packing Co., New York, N. Y., having admitted that the butter was substantially in the condition charged in the libel. Thereupon the matter was taken under advisement by the court, and on April 9, 1917, a formal decision was rendered by the court upon the following statement of facts:

This is an action at law for the destruction of nine barrels of number two grade packing butter shipped from Nashville, Tennessee, to New York and consigned to the claimant, New York Butter Packing Company. The butter was packed in nine barrels, stout and double-headed except two, which were covered on one end with burlap. When examined in New York they disclosed the presence in substantial quantity of dirt, feathers, paper, aniline dyes which ran from the paper, the excrement of rats, and cheesy particles, as well as a substantial volume of the butter gone rancid. The claimant depends for its defense upon two theories; first, that the title to the butter had passed to it at Nashville, Tennessee, on or before the date of its delivery to the carrier, a fact which was conceded; second, that the butter was destined for retreatment by which most of the impurities were removed. This retreatment is known as, "ladling," and consists in dividing the butter into small portions, a pound or more in size, and in manually picking out with a trowel such parts as show dirty to the eye of the operator. The amount so removed varies generally from two to five per cent, but sometimes rises much higher. The butter thus cleansed is then put into a room at about 85° F., which makes it plastic and capable of being moulded into pats of proper size and homogeneous quality. It is then colored evenly and sold only to bakers. In baking the butter passes through a temperature of from 350° to 500° F., under which most of the rancid oils are volatilized and driven off. Under the evidence as given it must be assumed that the butter so used by bakers is not deleterious to the public health.

DECISION OF THE COURT; HAND, D. J.: The first point of the claimant is met and answered by the case of *Hipolite Egg Co. v. United States*, 220 U. S. 45, and needs no other discussion. In that case the eggs had been shipped by Clark & Company to themselves and were in storage at the time in question. That case was stronger for the claimant than the case at bar.

The second point is in fact also decided by the same case, which was almost precisely like this in that aspect. Doubts may arise where goods are shipped in

interstate commerce which may or may not be articles of food, as their ultimate destination may determine, but this case does not raise them. By no chance can this butter be called anything but an article of food; by no chance can I avoid the conclusion that it was filthy and decomposed in part. As such it came within the terms of the statute even though it might be saved and reclaimed by being made clean and palatable. Questions of that sort arise under section ten and under that alone. Under that section I have the power to destroy, sell or redeliver to the owner under bond. The conditions of redelivery therefore become the important question in the case; I may deliver the goods to the owner upon condition that they "ladle" the butter, or that they otherwise treat it so as to secure the health of the community, in either case subject to a bond.

As to "lading", I shall not allow the butter to be so treated. Certainly some filth must remain, and while baking may remove any injury to health, the question is somewhat meagrely presented, and the claimant does not press its right to do so. There is, however, another and much more radical, method of cleansing such butter, known as "renovating", which is as follows: The butter is melted to a fluid so that all solid matters fall to the bottom. It is then strained and blown into a spray, in which condition hot water is allowed to percolate through the butter oil. The water is then drawn off and an emulsion made with milk is then cooled into crystals, salted and packed in containers. As such it is sold for table butter and in many instances is unquestionably a useful article of food, and is permitted access to the markets, where it is not unlawful.

I shall allow this butter to be "renovated" by the process mentioned and after renovation the plaintiff shall have opportunity to examine it and if it will not pass it, to convince me that it is still filthy or decomposed, and should be destroyed. Therefore, the decree will be that the butter be destroyed, unless the claimant elects within five days to "renovate" the same, upon giving suitable security as hereinafter described. If it does so decide, the butter shall be delivered to said claimant and after renovation to be completed within a suitable time shall be again submitted to the plaintiff for examination. If the plaintiff at that time is not satisfied with its purity, it may apply to this court for a writ of destruction notwithstanding delivery to the claimant. The claimant shall give a bond in the sum of two thousand dollars conditioned that it will renovate said butter within a time to be fixed and will submit the product to the plaintiff for inspection; further conditioned that it will satisfy the court of the identity of the renovated butter with the subject of this action, and will hold such renovated butter subject to any writ of destruction to be hereafter issued.

If a writ of error is taken, the claimant's option to renovate may be exercised notwithstanding the same, but the bond must extend to the determination of the appeal, in which case no writ of destruction will issue until that time.

The claimant will bear the costs under section ten.

Thereafter, on April 20, 1917, a formal decree of condemnation and forfeiture was entered in accordance with the foregoing decision, and it was ordered by the court that the United States recover of said claimants the costs of the proceedings and that the product might be delivered to said claimants to be subjected to the process known as renovation, as defined in section 4 of the act of May 9, 1902, upon the execution of a bond in the sum of \$2,000. in conformity with section 10 of the Food and Drugs Act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5376. Adulteration and misbranding of vinegar. U. S. * * * v. 15 Barrels * * * of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7896. I. S. No. 11630-m. S. No. C-590.)

On December 2, 1916, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 barrels of vinegar, consigned by the Robinson Cider & Vinegar Co., Benton Harbor, Mich., remaining unsold in the original unbroken packages at Kankakee, Ill., alleging that the article had been shipped on or about September 20, 1916, and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "Guaranteed Cider Vinegar 4 percentum pure Apple Vinegar 4 percentum Acetic Acid."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar or dilute acetic acid had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for said article; and for the further reason that the article was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the label were false and misleading and deceived and misled the purchaser; and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, cider vinegar.

On January 1, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that the containers should be sold at public auction.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5377. Adulteration and misbranding of tomato conserve. U. S. * * * v. 37 Cases * * * of Tomato Conserve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7897. I. S. No. 1285-m. S. No. E-767.)

On December 4, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 37 cases, each containing 20 cans of tomato conserve, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about November 10, 1916, by Luigi Vecchi & Co., Inc., Hazlet, N. J., and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Conserva Rossa Red Conserve * * * Steeple Brand * * * A Blend of 75% tomatoes, 10% Selected Fruits and Vegetables, and 15% Salt, Sugar and Spices. * * * made * * * by Luigi Vecchi, Inc., New York."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the picture of red ripe tomatoes on the label, the statement in large type, "Conserva Rossa Red Conserve," and the general design of the label indicated that the product was a straight tomato conserve, when it was not such, and this misleading impression was not corrected by the statement in small type that the product was "A Blend of 75% Tomatoes, 10% selected Fruits and Vegetables, and 15% Salt, Sugar and Spices," so that the statement and design were false and misleading and calculated to deceive and mislead the purchaser.

On January 10, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5378. Adulteration of tomatoes. U. S. * * * v. 800 Cases of Tomatoes
Consent decree of condemnation and forfeiture. Product ordered
released on bond. (F. & D. No. 7898. I. S. No. 10846-m. S. No. C-591.)

On December 5, 1916, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 800 cases of tomatoes, remaining unsold in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped on or about October 24, 1916, by W. E. Robinson & Co., Waterview, Va., and transported from the State of Virginia into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, water, had been mixed and packed therewith in such a manner as to reduce and lower the quality and strength thereof, and had been substituted in part for said article.

On January 25, 1917, the Western Grocer Co., Minneapolis, Minn., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5379. Adulteration of sardines. U. S. * * * v. 65 Cases of Sardines. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7901. I. S. No. 1399-m. S. No. E-766.)

On December 4, 1916, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 65 cases of sardines, consigned by Mawhinney & Ramsdell, Lubec, Me., remaining unsold in the original unbroken packages at Shenandoah, Pa., alleging that the article had been shipped on or about November 16, 1916, and transported from the State of Maine into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cobscook Brand American Sardines in Cottonseed Oil Packed by Mawhinney & Ramsdell, Lubec, Washn. Co., Me."

The shipping containers bore a sticker reading, "These sardines have been inspected and packed under our supervision in accordance with our sanitary requirements for packing Sardines. National Canners Association. H. M. Loomis, Director of Inspection."

Adulteration of the article was alleged in the libel for the reason that it was composed partly of a decomposed animal substance, namely, decomposed fish.

On April 26, 1917, the said Mawhinney & Ramsdell, claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimants upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product should be examined under the supervision of the Bureau of Chemistry, and that the portion found not to conform to the bureau's standard should be destroyed.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5380. Adulteration and misbranding of vinegar. U. S. * * * v. 80 Barrels of Vinegar * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7904. I. S. No. 11235-m. S. No. C-593.)

On December 6, 1916, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 80 barrels of vinegar, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped on or about November 4, 1916, by the Robinson Cider & Vinegar Co., Benton Harbor, Mich., and transported from the State of Michigan into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Guaranteed Cider Vinegar 4 percentum * * *."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar or dilute acetic acid had been mixed and packed with cider vinegar so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for cider vinegar; and for the further reason that it had been mixed and colored with caramel, a coloring-matter product, in a manner whereby damage and inferiority were concealed.

It was alleged in substance in the libel that the article was misbranded for the reason that the label on each of said barrels bore a statement which indicated that the article was cider vinegar, which said statement was false and misleading and such as to deceive and mislead the purchaser into the belief that the article was cider vinegar, when, in truth and in fact, it was not, but distilled vinegar or dilute acetic acid and caramel had been mixed and packed with said vinegar. It was further alleged that the article was an imitation of cider vinegar and was offered for sale under the distinctive name of another article, to wit, cider vinegar, whereas, in truth and in fact, it was not, but was a mixture in which distilled vinegar or dilute acetic acid and caramel had been mixed and packed with the said vinegar.

On February 17, 1917, John Robinson, doing business as the Robinson Cider & Vinegar Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it appearing that the article might be relabeled in such manner as to render its shipment not unlawful, it was ordered by the court that the product be redelivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

CARL VROOMAN, Acting Secretary of Agriculture.

5381. Adulteration of cherries. U. S. * * * v. 13 Cases of Canned Cherries. * * * Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7905. I. S. Nos. 6245-m, 6248-m. S. No. E-769.)

On December 6, 1916, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 13 cases of canned cherries, consigned on or about October 16, 1916, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Bay State Confectionery Co., Boston, Mass., and transported from the State of Massachusetts into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Templeman Brand Black Unpitted Cherries * * * ."

Adulteration of the article was alleged in the libel for the reason that it consisted largely of swells and springers, and contained decayed fruit with discolored spots and mold, and a decomposed vegetable matter.

On January 22, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5382. Adulteration and misbranding of vinegar. U. S. * * * v. 100 Barrels * * * of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7906. I. S. No. 11724-m. S. No. C-595.)

On December 7, 1916, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 barrels of vinegar, remaining unsold in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped on September 29, 1916, by the O. J. Gutekunst Fruit Products Co., Gowanda, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "O. J. Gutekunst Fruit Products Co. Gowanda, N. Y. Pure Apple Cider Vinegar. Reduced to 4%."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of distilled vinegar or dilute acetic acid, which had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for said article.

Misbranding of the article was alleged for the reason that the statement, to wit, "Pure Apple Cider Vinegar," was false and misleading and deceived and misled the purchaser; and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, pure apple cider vinegar.

On January 31, 1916, the said O. J. Gutekunst Fruit Products Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that all the labels and marks should be removed from said article.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5383. Adulteration and misbranding of oranges. U. S. * * * v. 316 Boxes of Oranges * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 7907, 7908. I. S. No. 22145-m. S. Nos. W-151, W-152.)

On December 7, 1916, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 316 boxes of oranges, consigned by Hunt Hatch & Co., Lindsay, Cal., and remaining unsold in the original unbroken packages at Laramie and Cheyenne, Wyo., alleging that the article had been shipped on or about November 18, 1916, and transported from the State of California into the State of Wyoming, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Prize brand fancy oranges * * * Hunt, Hatch & Co. Strathmore, Calif."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statement, "Prize brand fancy oranges," was false and misleading in that said oranges were not first class, or prize oranges, or fancy oranges, but were, in truth and in fact, of inferior quality, having been frozen before shipment.

On January 4, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5384. Misbranding of cottonseed feed. U. S. * * * v. 234 Sacks * * * of * * * Cottonseed Feed. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7909. I. S. No. 10583-m. S. No. C-594.)

On December 8, 1916, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 234 sacks, each purporting to contain 100 pounds of cottonseed feed, remaining unsold in the original unbroken packages at Leavenworth, Kans., alleging that the article had been shipped on November 1, 1916, by the Tennessee Fibre Co., Memphis, Tenn., and transported from the State of Tennessee into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Kansas 100 pounds Cremo Brand Cotton Seed Feed Manufactured by Tennessee Fibre Co. Memphis, Tenn. * * *."

Misbranding of the article was alleged in substance in the libel for the reason that the statement, "100 pounds," on the label was false and misleading, and calculated to induce the purchaser to believe that each of said sacks contained 100 pounds of said article, when, in truth and in fact, each sack contained less than 100 pounds.

On December 14, 1916, George W. Legler, Leavenworth, Kans., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part upon the relabeling of the article so as to show the correct quantity contained in each sack.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5385. Adulteration of prunes. U. S. * * * v. 180 Boxes of Prunes. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 7910. I. S. Nos. 21559-m, 21562-m, 21558-m, 21561-m. S. No. W-153.)

On December 9, 1916, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 180 boxes of prunes, consigned by the California Fruit Canners Assoc., San Jose, Cal., and remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped and transported from the State of California into the State of Colorado, the shipments having arrived on January 11, 1916, February 29, 1916, January 11, 1916, and November 27, 1915, and charging adulteration in violation of the Food and Drugs Act. The article was variously labeled in part: "Oak Brand," "Honeysuckle Brand," "Delmonte Brand," or "Oro Brand Prunes," and "California Fruit Canners Association General Offices, San Francisco, Cal.," in each case.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of filthy and decomposed vegetable substance and animal matter, namely, larvae of common fruit moth, living worms, refuse, and disintegrated vegetable matter.

On January 18, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article be sold at public auction, and that bond be given by the purchaser that the article would not be used for human consumption.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5386. Adulteration of tomatoes. U. S. * * * v. 1,400 Cases of Tomatoes. Consent decree of condemnation and forfeiture. Portion of product ordered released on bond, balance ordered destroyed. (F. & D. No. 7911. I. S. Nos. 12419-m, 12420-m. S. Nos. C-596, C-597.)

On December 9, 1916, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,400 cases of tomatoes, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about October 24 and 25, 1916, by the Bruceville Canning Co., Windyhill, Md., and transported from the State of Maryland into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that added water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for said article.

On December 19, 1916, the Buchanan Grocer Co., a corporation, St. Louis, Mo., claimant, having filed an answer, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portion of the product found by a representative of the Department of Agriculture to be susceptible of relabeling to conform to Food and Drugs Act should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, and that the portion found not to be susceptible of relabeling should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5387. Adulteration and misbranding of vinegar. U. S. * * * v. 80 Barrels * * * of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7912. I. S. No. 11231-m. S. No. C-599.)

On December 13, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 80 barrels of vinegar, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on October 30, 1916, by the Security Trust Co., receiver for the Williams Brothers Co., Detroit, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that waste vinegar reduced with distilled vinegar or dilute acetic acid had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for pure apple cider vinegar.

Misbranding was alleged for the reason that the statement on the barrels, to wit, "Williams Pure Apple Cider Vinegar Full Strength. Made by The Williams Brothers of Detroit * * *," was false and misleading in that it represented to the purchaser that the article consisted of pure apple cider vinegar, whereas, in truth and in fact, waste vinegar reduced with distilled vinegar or dilute acetic acid had been mixed and packed therewith, so as to reduce, lower, and injuriously affect the quality and strength of said article. Misbranding was alleged for the further reason that the statement, to wit, "Williams Pure Apple Cider Vinegar. Full Strength * * *," appearing on the said barrels, deceived and misled the purchaser into the belief that the article was a pure cider vinegar, whereas, in truth and in fact, it was an imitation of pure apple cider vinegar, and was offered for sale under the distinctive name of another article, to wit, pure apple cider vinegar.

On March 1, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5388. Misbranding and alleged adulteration of vinegar. U. S. * * * v. 90 Barrels and 5 Half-barrels * * * of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7913. I. S. No. 11345-m. S. No. C-600.)

On December 11, 1916, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 90 barrels and 5 halfbarrels of vinegar, consigned by the Security Trust Co., receiver for the Williams Brothers Co., Detroit, Mich., remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped and transported from the State of Michigan into the State of Ohio, the shipment having been received at Cincinnati on or about August 29, 1916, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "The Williams Brothers Company of Detroit Apple Cider vinegar reduced with water to Forty Grains."

Adulteration of the article was alleged in the libel for the reason that waste vinegar reduced with distilled vinegar or dilute acetic acid had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article in being, labeled, "Apple Cider Vinegar."

Misbranding was alleged for the reason that the label of the article bore a statement, to wit, "Apple Cider Vinegar," regarding the article and the ingredients and substances contained therein, which was false and misleading in that said article was not apple-cider vinegar; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said article was apple cider vinegar, when, in truth and in fact, it was not, but was a mixture of waste vinegar and distilled vinegar or dilute acetic acid; and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, apple cider vinegar.

On January 29, 1917, the said Security Trust Co., receiver of the Williams Brothers Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, the court finding the product misbranded, and it was ordered by the court that the product should be relabeled under the supervision of a representative of this department and released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act.

CARL VBROOMAN, *Acting Secretary of Agriculture.*

5389. Adulteration of oysters. U. S. * * * v. 1 Carload of Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7914. I. S. Nos. 21563-m, 21564-m. S. No. W-154.)

On December 12, 1916, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 carload of oysters, consigned by the Tangier Packing Co., and C. A. Lockerman, Crisfield, Md., remaining unsold at Denver, Colo., alleging that the article had been shipped and transported from the State of Maryland into the State of Colorado, the shipment having arrived November 28, 1916, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that the oysters were sour and undergoing fermentation, and consisted in part of a decomposed animal substance.

On January 18, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5390. Misbranding and alleged adulteration of vinegar. U. S. * * * v. 65 Barrels * * * of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7915. I. S. No. 11347-m. S. No. C-601.)

On December 14, 1916, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 65 barrels of vinegar, consigned by the Security Trust Co., receiver for the Williams Brothers Co., Detroit, Mich., remaining unsold in the original unbroken packages at Portsmouth, Ohio, alleging that the article had been shipped and transported from the State of Michigan into the State of Ohio, the shipment having been received about August 23, 1916, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "The Williams Bros. Co., of Detroit, Apple Cider Vinegar Reduced with Water to 40 Grains."

Adulteration of the article was alleged in substance in the libel for the reason that waste vinegar reduced with distilled vinegar or dilute acetic acid had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in whole or in part for the article labeled, "Apple Cider Vinegar."

Misbranding was alleged for the reason that the labels upon the barrels bore a statement, to wit, "Apple Cider Vinegar," regarding the article and the ingredients and substances contained therein, which was false and misleading in that said article was not apple cider vinegar, but was a mixture of waste vinegar and distilled vinegar or dilute acetic acid; for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was apple cider vinegar, whereas, in truth and in fact, it was not, but was a mixture product made from dried apple products mixed with dilute acetic acid or distilled vinegar; and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, apple cider vinegar.

On January 29, 1917, the said Security Trust Co., receiver of the Williams Brothers Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, the court finding the product misbranded, and it was ordered by the court that the product should be relabeled under the supervision of a representative of this department, and released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$150, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5391. Adulteration and misbranding of vinegar. U. S. * * * v. 75 Barrels * * * of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (E. & D. No. 7917. I. S. No. 10627-m. S. No. C-603.)

On December 14, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 barrels of vinegar, remaining unsold in the original unbroken packages at Joliet, Ill., alleging that the article had been shipped on October 6, 1916, by the Benton Fruit Products Co., Benton Harbor, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Benton Fruit Products Co., Benton Harbor, Mich. Fermented Cider Vinegar reduced to 4% acetic strength. * * * This Vinegar is Pure Fermented Apple Juice & is Warranted to Fill All Requirements of the Pure Food Laws. We offer \$100.00 for every barrel analyzed and found to contain any deleterious acids or any other foreign substance not produced from the apple."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar or dilute acetic acid, boiled cider, and sodium carbonate had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article.

Misbranding was alleged for the reason that the statement appearing on the barrels, to wit, " * * * Fermented Cider Vinegar reduced to 4% acetic strength. * * * This vinegar is pure fermented apple juice and is warranted to fill all the requirements of the Pure Food Laws," was false and misleading in that it represented to the purchaser that the article consisted of pure apple cider vinegar, whereas, in truth and in fact, distilled vinegar or dilute acetic acid, boiled cider, and sodium carbonate had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength; and for the further reason that said statement deceived and misled the purchaser into the belief that the article was a pure apple cider vinegar, whereas, in truth and in fact, it was an imitation of pure apple cider vinegar and was offered for sale under the distinctive name of another article, to wit, pure apple cider vinegar.

On January 10, 1917, G. B. Gehlert, doing business as the Benton Fruit Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article should be delivered to said claimant upon the payment of the costs of the proceedings and other expenses, and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the article should be relabeled as imitation cider vinegar.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5392. Adulteration and misbranding of olive oil. U. S. * * * v. 45 Cans * * * of * * * Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7918. I. S. Nos. 2984-m, 2985-m. S. No. E-770.)

On December 16, 1916, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District, holding a district court, a libel for the seizure and condemnation of 45 cans of olive oil, consigned by the Italian Importing Co., Elizabeth, N. J., on September 29, 1916, and October 24, 1916, remaining unsold in the original unbroken packages at Washington, D. C., alleging that the article had been shipped and transported from the State of New Jersey into the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act. Part of the cans were labeled in part: "First Pressing Cream Olive Oil. This Olive Oil is guaranteed to be absolutely pure and is made from the finest selected olives grown on the Italian Riviera." The remaining cans were labeled in part: "Olive Oil Specialty from Lucca, Lucca Olive Oil."

Adulteration of the article was alleged in substance in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article.

Misbranding was alleged in substance for the reason that the statements appearing on the label were false and misleading and deceived and misled the purchaser into the belief that the article was pure olive oil, when, in truth and in fact, it was not, but was a mixture of cottonseed oil and olive oil; for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, olive oil; and for the further reason that the article was in package form and failed to bear a correct statement of the quantity of contents.

On January 18, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5393. Adulteration and misbranding of vinegar. U. S. * * * v. 130 Barrels of Vinegar * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7920. I. S. Nos. 11240-m, 11241-m. S. No. C-605.)

On December 15, 1916, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 130 barrels of vinegar, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that 100 barrels had been shipped on or about October 2, 1916, and that 30 barrels had been shipped on or about September 11, 1916, by the Benton Fruit Products Co., Benton Harbor, Mich., and transported from the State of Michigan into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pocahontas Brand Cider Vinegar Benton Fruit Products Co., Benton Harbor, Mich. Reduced to 4% " (or "4½% ") "acetic strength. Fermented Cider Vinegar."

Adulteration of the article in each shipment was alleged in the libel for the reason that distilled vinegar or dilute acetic acid, boiled cider, sodium carbonate, and other ash materials had been substituted wholly for cider vinegar which the article purported to be.

It was alleged in substance in the libel that the article in each shipment was misbranded for the reason that the label on each of the barrels bore a statement which indicated that the article was cider vinegar, which said statement was false and misleading and such as to deceive and mislead the purchaser into the belief that the article was cider vinegar, when, in truth and in fact, it was not, but was a mixture of distilled vinegar or dilute acetic acid, boiled cider, sodium carbonate, and other ash materials. It was further alleged that the article was an imitation of cider vinegar and was offered for sale under the distinctive name of cider vinegar, whereas, in truth and in fact, it was not cider vinegar, but was a mixture of distilled vinegar or dilute acetic acid, boiled cider, sodium carbonate, and other ash materials.

On February 17, 1917, G. B. Gehlert, doing business as the Benton Fruit Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to said claimant, upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5394. Adulteration and misbranding of vinegar. U. S. * * * v. 95 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7921. I. S. Nos. 11245-m, 11246-m, 11247-m. S. No. C-606.)

On December 16, 1916, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 95 barrels of vinegar, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that 80 barrels had been shipped on or about October 24, 1916, and that 15 barrels had been shipped on or about September 14, 1916, by the Benton Fruit Products Co., Benton Harbor, Mich., and transported from the State of Michigan into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Hoffmann's Gold Medal Brand Cider Vinegar 4%" (or "4½%" or "5%") "* * * Benton Fruit Products Co. Benton Harbor Mich. Reduced to 4%" (or "4½%" or "5%") "acetic strength. Fermented Cider Vinegar."

Adulteration of the article in each shipment was alleged in the libel for the reason that distilled vinegar or dilute acetic acid, boiled cider, sodium carbonate, and other ash materials had been substituted wholly for cider vinegar which the article purported to be.

It was alleged in substance in the libel that the article in each shipment was misbranded for the reason that the label on each of the barrels bore a statement which indicated that the article was cider vinegar, which said statement was false and misleading and such as to deceive and mislead the purchaser into the belief that the article was cider vinegar, when, in truth and in fact, it was not, but was a mixture of distilled vinegar or dilute acetic acid, boiled cider, sodium carbonate, and other ash materials. It was further alleged that the article was an imitation of cider vinegar, and was offered for sale under the distinctive name of cider vinegar, whereas, in truth and in fact, it was not cider vinegar, but was a mixture of distilled vinegar or dilute acetic acid, boiled cider, sodium carbonate, and other ash materials.

On February 17, 1917, G. B. Gehlert, doing business as the Benton Fruit Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be redelivered to said claimant, upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5395. Adulteration of sardines. U. S. * * * v. 12 Cases of Sardines. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7926. I. S. No. 2835-m. S. No. E-775.)

On December 18, 1916, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 cases of sardines, remaining unsold in the original unbroken packages at New Britain, Conn., alleging that the article had been shipped on or about November 2, 1916, by the L. Pickert Fish Co., Boston, Mass., and transported from the State of Massachusetts into the State of Connecticut, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Guerin Brand American Sardines in Oil. Packed by L. Pickert Fish Co., Boston, Mass."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance.

On January 10, 1917, Lehman Pickert and Leo W. Pickert, trading under the name of the L. Pickert Fish Co., Boston, Mass., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to said claimants, upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$150, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5396. Adulteration of dressed poultry. U. S. * * * v. 60 Barrels * * * of Dressed Poultry. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 7927. I. S. No. 11046-m. S. No. C-613.)

On December 19, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 barrels of dressed poultry, 14 of said barrels containing dressed ducks, 13 containing dressed geese, and 33 containing dressed chickens, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on November 29, 1916, by J. Bellman, Yankton, S. D., and transported from the State of South Dakota into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance; and for the further reason that it consisted in part of a putrid animal substance.

On January 20, 1917, the said J. Bellman, claimant, filed an answer admitting the allegations of the libel. On March 1, 1917, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5397. Adulteration and misbranding of vinegar. U. S. * * * v. 183 Barrels * * * of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7928. I. S. Nos. 11631-m, 11632-m, 11633-m, 11634-m, 11635-m, 11636-m. S. Nos. C-607, C-608.)

On December 20, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 183 barrels of vinegar, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on November 6, 1916, October 18, 1916, October 12, 1916, November 17, 1916 (2 shipments), and October 13, 1916, by the Benton Fruit Products Co., Benton Harbor, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Benton Fruit Products Co., Benton Harbor, Mich. Reduced to 4 per cent" (or "4½ per cent" or "5 per cent") "acetic strength. Fermented Cider Vinegar E" (or "A" or "G" or "B" or "D").

Adulteration of the article was alleged in the libel for the reason that distilled vinegar or dilute acetic acid, boiled cider, and sodium carbonate had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article.

Misbranding was alleged in substance for the reason that the statement appearing on the barrels, to wit, "* * * Reduced to 4 per cent" (or "4½ per cent" or "5 per cent") "acetic strength. Fermented Cider Vinegar * * *" was false and misleading in that it represented that the article consisted of pure fermented cider vinegar, whereas, in truth and in fact, distilled vinegar or dilute acetic acid, boiled cider, and sodium carbonate had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength; and for the further reason that said statement deceived and misled the purchaser into the belief that the article was a pure fermented cider vinegar, whereas, in truth and in fact, it was an imitation of, and was offered for sale under the distinctive name of another article, to wit, pure fermented cider vinegar.

On January 10, 1917, G. B. Gehlert, doing business as the Benton Fruit Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the article should be relabeled as imitation cider vinegar.

CARL VBOOMAN, *Acting Secretary of Agriculture.*

5398. Adulteration and misbranding of vinegar. U. S. * * * v. 80 Barrels * * * of Pure Apple Juice Cider Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7929. I. S. No. 10628-m. S. No. C-609.)

On December 19, 1916, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 80 barrels of vinegar, consigned on October 23, 1916, remaining unsold in the original unbroken packages at Decatur, Ill., alleging that the article had been shipped by the Benton Fruit Products Co., Benton Harbor, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "Pure Apple Juice Cider Vinegar Sugar Bowl Brand Reduced to Four percent acetic strength Fermented Cider Vinegar."

Adulteration of the article was alleged in substance in the libel for the reason that distilled vinegar, boiled cider, and added ash material had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for said article.

Misbranding was alleged for the reason that the statements on the label were false and misleading and deceived and misled the purchaser; and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, "Pure Apple Juice Cider Vinegar."

On January 22, 1917, G. B. Gehlert, doing business as the Benton Fruit Products Co., Benton Harbor, Mich., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court, that the product should be delivered to said claimant, upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product should be relabeled as imitation cider vinegar.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5399. Adulteration and misbranding of vinegar. U. S. * * * v. 100 Barrels * * * of Cider Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7930. I. S. No. 10630-m. S. No. C-610.)

On December 20, 1916, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 barrels of vinegar, consigned on October 29, 1916, remaining unsold in the original unbroken packages at Peoria, Ill., alleging that the article had been shipped by the Benton Fruit Products Co., Benton Harbor, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "Pocahontas Brand Cider Vinegar reduced to four percent acetic strength."

Adulteration of the article was alleged in substance in the libel for the reason that distilled vinegar, boiled cider, and added ash material had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for said article.

Misbranding was alleged in substance for the reason that the statements appearing on the label were false and misleading and deceived and misled the purchaser of said article. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, cider vinegar.

On January 22, 1916, C. B. Gehlert, doing business as the Benton Fruit Products Co., Benton Harbor, Mich., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product should be labeled imitation cider vinegar.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5400. Adulteration and misbranding of vinegar. U. S. * * * v. 80 Barrels * * * of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7931. I. S. No. 11732-m. S. No. C-611.)

On December 20, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 80 barrels of vinegar, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on October 25, 1916, by the Benton Fruit Products Co., Benton Harbor, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Benton Fruit Products Co. Benton Harbor, Mich. Reduced to 4% acetic strength. Fermented cider vinegar."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar, boiled cider, and added ash material had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article.

Misbranding was alleged for the reason that the statement appearing on the barrels, to wit, "Reduced to 4% acetic strength. * * * Fermented cider vinegar," was false and misleading in that it represented to the purchaser that the article consisted of pure fermented cider vinegar, whereas, in truth and in fact, distilled vinegar, boiled cider, and added ash material had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength; and for the further reason that said statement deceived and misled the purchaser into the belief that the article was a pure fermented cider vinegar, whereas, in truth and in fact, it was an imitation of pure fermented cider vinegar and was offered for sale under the distinctive name of another article, to wit, pure fermented cider vinegar.

On January 10, 1917, G. B. Gehlert, doing business as the Benton Fruit Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and other expenses and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the article should be relabeled as imitation cider vinegar.

CARL VROOMAN, *Acting Secretary of Agriculture.*

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